

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

Annual Report
2010-2011

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1. 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 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. 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.

2. Commissioners Serving 2010 to 2011

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

Senator Michael Lenett, State Senate, (*State Legislature) (served through January 2011)

Senator Bill Ferguson, State Senate, (*State Legislature) (serving May 2011 to present)

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

Secretary Dr. Robert Summers, Maryland Department of the Environment (*State Agency)

Secretary Joshua Sharfstein, Department of Health and Mental Hygiene (*State Agency)

Secretary Raymond Skinner, Department of Housing and Community Development (*State Agency)

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

Secretary Christian Johansson, Department of Business and Economic Development (*State Agency)

Secretary Beverley Swaim-Staley, Maryland Department of Transportation (*State Agency)

Dr. Calvin Ball, Howard County Council Chairman (*Local Government)

Mr. Andrew Fellows, Commission Vice Chair, Mayor of College Park (*Local Government)

Ms. Rebecca Rehr, UMD School of Public Health (*Public Interest)

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

Ms. Vernice Miller-Travis, Commission Vice Chair, Miller-Travis & Associates, environmental (*Public Interest)

Ms. Jennifer Peterson, Attorney Environmental Integrity Project (*Environmental Advocacy)

Mr. Richard Fairbanks (*Impacted Community)

Ms. Delora Sanchez, Assistant Director, State Affairs, Johns Hopkins Institutions (*Health Expert)

Ms. Jennifer Bevan-Dangel, Attorney, 1000 Friends of Maryland (*Environmental Advocacy)

Mr. Thurmond Jones, President of the Cedar Heights Civic Organization (*Impacted Community) (served through May 2011)

Ms. Betty Dabney, University of Maryland School of Public Health (*Health Expert) (served through December 2010)

Mr. John Kotoski, River Run Development Association (*Regulated Business)

3. Commission Activities October 1, 2010- September 30, 2011

Legislation

The Commission supported HB 1033 Environment - Reducing Lead Risk in Housing - Risk Reduction Standards which was passed by the Maryland General Assembly during the 2011 session to change the lead risk reduction standard for pre-1950 rental housing. While the current risk reduction requirement is satisfied by either a dust test or a ten-step visual test, HB 1033 requires dust testing to satisfy the risk reduction requirements. It is believed that this change would provide a consistent objective standard for monitoring lead risk reduction. HB 1033 also codifies a practice that MDE has already instituted that if a property is out of compliance with lead risk reduction, the property owner has thirty days to pay for temporary re-location of the tenant into a non-affected or compliant property. Furthermore the Department of the Environment is required to study certain issues and make recommendations to the legislature to further improve the program.

Annual Meeting with CEHPAC

In May the CEJSC held an annual joint meeting with the Children Environmental Health Protection Advisory Council

The full meeting minutes are included in the Appendix C of this report.

Review of the Environmental Benefits Districts Program at MDE

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 use 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.

In December 2011 the Commission recommended to the Department that the state look into ways that the EBD recommendation could be used as a qualifier for other state programs with goals similar to the EBD's original intent of providing environmental, health, and business resources for communities.

“An environmentally just Maryland”

As a follow up to the December meeting the CEJSC began to follow up on the idea of becoming less reactionary and more visionary. Chairman Scot Spencer moved to generate a conversation about what would make Maryland a more environmentally just state. In order to help the CEJSC achieve this effort, Vincent DeMarco, of Health Care for All, presented to the CEJSC in March 2011. He laid out six steps for transforming a political initiative into actionable items. All of the steps did not directly apply to the CEJSC, but they provided valuable guidance on how to move forward on creating a more environmentally just Maryland. Mr. DeMarco stressed the importance of creating a one-pager on EJ that summarizes the CEJSC's key objectives. The CEJSC could use that one pager to do external outreach and build political will for EJ. Mr. DeMarco also stated that the process of writing the one-pager and goals will cause the CEJSC to look at EJ questions and arrive at a consensus. In response to Mr. DeMarco's suggestions, Chairman Scot Spencer agreed to draft a problem/solution statement for the CEJSC.

The following is Chairman Spencer's draft that was originally presented in the April CEJSC meeting. The idea was presented as an assignment to the Commissioners to focus their efforts and set a trajectory for the next year. Rebecca Rehr reviewed the assignment at the June meeting, emphasizing the questions at the bottom. This assignment is meant to help Commissioners fulfill their charge and make recommendations to the Governor via legislation or other appropriate venues. The Commissioners' ideas will be discussed at the Commissioners' retreat in July.

Maryland Commission on Environmental Justice and Sustainable Communities: Moving Towards a More Just Maryland

Problem Statement:

Every Marylander has a right to a healthy community and healthy environment. However, due to legacy and current policies and practices at the state and local level, some communities are faced with an unfair toxic burden which affects their quality of life and health.

Solution Statement:

In order to address these historic and current impacts, the Maryland Commission on Environmental Justice and Sustainable Communities will work over the next five years to bring about the following changes that will lead toward more equitable and sustainable outcomes through policy, practice, statute or regulation:

- Identification of and recommended remediation of legacy environmental issues;
- Identification of and recommendations to address cumulative impact burdens in zoning and permitting at the state or local levels as appropriate;
- Equal enforcement of and strong renewal practices for existing permits;
- Development and promulgation of employee review and accountability standards in state and local government;
- Advancement, at a state level, of Community Benefits Agreements or Memoranda of Understanding as a “win-win” strategy to promote mutually responsive and responsible actions among parties;
- Effective pricing mechanisms that seek to provide redress for the costs of [future] environmental burdens and a cost sharing strategy with impacted communities.

Policy to promote	Political “win” barometer	Impact of proposed policy	Potential Partners	Likely Combatants

1. Cite more specifically what needs to change, whether it be an existing policy, neighborhood case study, lack of interagency communication, etc.
2. What evidence do we have and/or need?
3. Who is part of the coalition to address this issue?

Commissioner’s Retreat

The Commission held its annual retreat on July 28, 2011 at Howard Community College. The goal for the day was to develop methods and goals to implement the CEJSC charge of advising the Governor and the Administration how to move towards a more environmentally just Maryland. To this end, the Commission took an in-depth look at the charge of the Commission, how the Commission operates, and, after extensive brainstorming, prioritized action items into three categories: efforts to employ SMART outcomes (specific, measurable, attainable, realistic, timely) in meetings in order to increase efficiency, building a community of practice with other state agencies and local governments, and the development of guidance documents and best practices for stakeholders in an effort to share and educate as experts on matters of Environmental Justice and Sustainable Communities. Action items will be reported on at each meeting while the majority of work products will be produced between meetings. The full and lively discussion is reflected in the retreat minutes, included in Appendix C.

4. Recommendations to State and Local Government

Clifford S. Mitchell, MS, MD, MPH
Maryland Department of Health and Mental Hygiene
201 West Preston Street, Room 327
Baltimore, MD 21201

May 20, 2011

Dear Dr. Mitchell:

The Maryland Commission on Environmental Justice and Sustainable Communities (the Commission) is pleased to offer this letter in support of the Department of Health and Mental Hygiene's (DHMH) application for renewed funding of the Environmental Public Health Tracking (EPHT) project. The EPHT project is important to the CEJSC because it provides a platform to display data relevant to the Commission's charge.

The Commission has collaborated with the EPHT project on a number of environmental health issues and has benefited significantly from this collaboration. Specifically, we have worked on the following issues with the EPHT project:

- The Commission and EPHT staff have collaborated on the development of community-level environmental health indicators. The Commission has been supportive of the efforts by the Department of Health and Mental Hygiene to place locally relevant data on environmental hazards and health status on its secure portal for health departments, and has urged the EPHT project to explore ways to move those locally relevant data to the public portal where it would be accessible to communities interested in facility permitting and other initiatives.
- The Commission and EPHT have co-sponsored several symposia focused on community environmental health and environmental justice. The availability of health and environmental data for environmental justice purposes continues to be an important priority for the Commission.

The Commission looks forward to future collaboration with DHMH, other agencies, and partners as they seek, under a continuation of the EPHT cooperative agreement, to further develop and improve a state and national network for tracking environmental hazards, human exposures, and health outcomes. Most importantly, we look forward to working with EPHT program staff and the EPHT network to improve public health in Maryland through improved access to and utilization of environmental public health data.

Sincerely,
Scot T. Spencer, Chair CEJSC

Appendix A: July 2011 Retreat Summary

Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC)
Meeting

Annual Commissioner's Retreat, July 28th, 9 a.m. to 4 p.m. Howard Community College

In Attendance

- Speakers: Dr. Kate Hetherington (HCC President), Kathy Kinsey (MDE Deputy Secretary), Stephanie Cobb-Williams (Assistant Attorney General, MDE), Charles Boyd (MDP)
- Participants: Scot Spencer, Lisa Nissley, Calvin Ball, Delora Sanchez, John Kotoski, Rebecca Rehr, Arabia Davis, Dick Fairbanks, Vernice Miller-Travis, Jennifer Bevan-Dangel, Cliff Mitchell, Robert Sklar, Alannah Myles (for Senator Ferguson), Robin Underwood, Karen Forbes, Terri Brooks, Megan Ulrich, Anna Asgari-James, Stephanie Cobb-Williams, John

Greetings: Dr. Kate Hetherington, HCC President

Dr. Hetherington greeted the Commission and presented on sustainability efforts, at HCC. The school implements efforts through the Facilities & Sustainability Team (FAST) and aims to make “going green” a learning process for the students, so they can take the knowledge home. Examples include efforts such as pulling invasive species from plants, participating in dumpster dives to find recyclable goods, and maintaining a sustainable garden. HCC utilizes rain gardens, rain barrels, big recycling bins and small trash tins, an electric bus, paperless meetings, and sustainability progress tracks. They switched their cleaning products; they clean their floors with iodized water, which has no hazardous effects. The main goal is to reduce their carbon footprint.

Introductions:

The retreat began with introductions from everyone who was in attendance.

Check-in with the Administration: Kathy Kinsey, MDE Deputy Secretary

Deputy Secretary Kinsey spoke to the Commission about EJ efforts, which are a priority for MDE and the Administration. She pointed to the Lead Risk Reduction Program as a successful public health and EJ effort. There has been a 98% reduction in childhood lead cases after an outreach program to educate all stakeholders. Another example of including EJ is the Green House Gas (GHG) Reduction Act, which requires the state to develop a climate action plan to reduce GHG by 25% from 2006 levels by 2020. The law specifically stated that the plan may not disproportionately impact minority communities. The state has also gotten involved on the Federal level, supporting the Toxic Substance and Control Act (TSCA). Pending legislation includes a provision to require EPA concentrate on disproportionately impacted communities called “hot spots.” Addressing hot spots would be a unique effort and could have a huge impact if enacted.

Deputy Secretary Kinsey pointed to some of the challenges of addressing EJ including incorporating EJ into permit programs, the historical role of local governments in zoning, and the technical nature of cumulative impacts. Right now budgeting is a major challenge, MDE is at its lowest employee count since it was created despite significant increases in responsibilities; the budget will be cut again this year. She also said it would be helpful if EPA could lay out a national plan for incorporating EJ into permits. She credited Lisa Jackson of the EPA for getting the ball rolling on EJ issues. She concluded by saying that the CEJSC is a diverse group of people, and she it would be extremely helpful to hear specific suggestions from them about these issues to assist the Department in addressing these challenges.

John Quinn gave an example of a successful project from Constellation that ended an ammonia problem in the community.

Calvin said there is a problem of responsibility between the fed and local governments. The question to ask is what is best for the community. He said the 4 entities should work together (State, Federal, and Local government, and the Community).

Deputy Secretary Kinsey reiterated that zoning and land use are not under MDE’s control. Those things are already decided by the time it gets to MDE so it is important to work together. She also said that local governments should go to the permit meetings because they know the needs of the community.

Calvin pointed out that sometimes the worst offenders do a good job of playing government and the community against each other.

Rules of Engagement

Scot went over the Rules of Engagement:

1. Please show respect to your fellow colleagues by not interrupting them or assigning motive to comments. We want a free and open discussion.

2. Make sure what you say is relevant. In other words – don't beat a dead horse.
3. Be brief when speaking. No pontificating.
4. When there is disagreement, listen, clarify, and then reconcile. Creative tension is a good thing.
5. Come prepared with research and solutions.
6. Remember have fun!

He said they're a great way to rethink and retool the discussion. We are not DC. We can have disagreements and still be respectful of one another.

Calvin said suggested number two be bifurcated to make brevity and relevance two points instead of one.

Scot said they will go over these rules periodically to remind everyone.

Charge of the Commission: Stephanie Cobb Williams

Stephanie Cobb-Williams reviewed the charge of the Commission and commented it is a good time for EJ because there is federal and state will.

The Charge of the Commission: The CEJSC shall advise State agencies on EJ by completing the following duties:

- Advise State government agencies on EJ.
- Analyze the effectiveness of State and local government laws and policies to address issues of EJ and sustainable communities.
- Coordinate with CEHPAC on the issues of EJ and sustainable communities.
- Develop criteria to assess what communities in MD may be experiencing EJ issues.
- Recommend options for addressing EJ issues to the Governor and the General Assembly; include prioritized areas of the State that need immediate attention

The door is open for CEJSC to have a major impact on permitting and MDE or any state agency that would be relevant to the Charge. The role of the CEJSC is to bring expertise to work with each other. The CEJSC is codified in the environment article and it explains the designation of members and duration of staffing along with the MDE staff to assist. The duties of a Commissioner are to mitigate EJ issues, review and assess the advocacy

of state and local laws, reach out to other agencies – zoning and others – and engage them in discussion, and assisting citizens to use your expertise

Applying the Charge: Methods of Implementation

Scot said that the CEJSC is created by statute, the CEJSC is an instrument of the state, but we are not the state. Part of our charge is to help the state find new ways to work, so that gets us to how we go about doing our work. We have a great diversity of people on the Commission. Rebecca Rehr will now talk about different ways to look at our charge.

Rebecca Rehr said that the CEJSC is going to do an exercise on methods of implementation for the Commission's charge. There are notepads on each table with one bullet point of the charge listed at the top. We want everyone to write down specific items on how we implement the charge.

MDE Initiatives Feedback

At our June meeting Lisa reviewed efforts at MDE to better include EJ in the Department's work and improve communication with stakeholders. Lisa has continued her meetings with various stakeholders and has met or spoke with almost every member of the Commission individually for their input. In light of the discussion on the charge of the Commission she asked for feedback on the plan.

Calvin Ball said consider reaching out to Economic Development Authority in each county; they can give insight and direct us to reasonable business owners that would be open to the effort and have suggestions.

Jennifer Bevan-Dangel said it could help to brainstorm initiatives with the Commission as a whole or in small groups. Lisa agreed that way she is getting more than just an MDE perspective. To date she has met with about 40 people.

Jennifer Bevan-Dangel said she would help with MDE workshops as well.

Lisa said that we should pick a format for the workshop because knowing the format in advance would be helpful. We should also prioritize the ideas reached during a brainstorming session.

Vernice said that incentives for businesses are a good thing. A selling point for businesses is that if they address public concerns at the beginning of a project, it could be a lot less costly and save time during the permitting process.

Bob Sklar said MDE should prepare a group of case studies of businesses that have been successful in reaching out to the communities. We can also pick 5 or 6 incentives to show businesses.

Lisa asked Bob to suggest those businesses to MDE that he knows to have been successful.

Cliff Mitchell spoke about the EJ and health symposium from last year. Framing an issue as EJ is putting it in a box. He said we could reach more people by getting them to think about it intrinsically prior to putting it into a box. Don't mention EJ specifically, instead ask businesses to think about these questions: what is the health of underlying community; what will your business contribute to this community; does putting your business in this community give you an advantage? From a business point of view, there may be trade offs for the local community. The goal is to get people to do a health impact assessment, without them realizing what they are doing. Basically you are creating an EJ checklist, without calling it an EJ checklist.

Dick said that he agrees that we tend to put EJ in a box.

Vernice said that we should not dilute the definition too much because then it has no meaning. She said that there is a lot at stake, if we define EJ too narrowly people pay for it with their lives; however if we make it too broad, people miss the point. The trick is to strike the sweet spot.

Scot said how do you combine an environmental health issue with EJ issue and have constituencies move on it?

Stephanie Cobb-Williams said that the statute has defined EJ for the CEJSC. The CEJSC can choose how to implement the definition to some extent, but that is the definition they have to use.

Lisa said we should use that definition, but the CEJSC still needs to think about how to relate the definition to specific audiences. You have to talk to people on a level that is meaningful to them. You have to consider the group and you don't say the same things to each group.

Karen Forbes said she agreed with Stephanie, whatever the statute says EJ is we should use that as a Commission so we are all on the same page. Then we can add some leeway when we explain EJ to our specific audience. That way we can use the statute to our advantage. We as a CEJSC can decide what our talking points are going to be.

Stephanie Cobb-Williams said everyone deserves protection from environmental issues.

Cliff Mitchell said that one of the differences between where the conversation was five years ago, and where it is now is that we now have more tools to evaluate economic and health issues. We have not directed the agencies to make those differences explicit and show us a picture of those impacts. Local government could use that data in zoning. We need to make the agencies/legislature show us the data.

Arabia Davis said we need to figure out what needs to change at each state agency. We should undertake an individual survey of each agency, and ask the agencies what they are doing that is related to EJ.

Lisa said that we are creating an internal survey of each administration at MDE.

Arabia Davis said that each agency should also discuss EJ at senior staff meetings, leadership groups, and with middle management.

Vernice said that other states like Connecticut, Illinois, and New York have established EJ goals for permit reviews. When a permit writer looks at a permit application they look at an EJ checklist.

Calvin said we should pick one jurisdiction, talk with the planning director, and observe how they integrate EJ. In Howard County, before they undertake any zoning they have to look at 10 questions. We could use that as a model for other jurisdictions.

Robin Underwood said that the NEPA process for transportation would be a good model for EJ.

Rebecca said that Council on Environmental Quality CEQ has some useful, but outdated information on how to incorporate EJ into NEPA.

Scot said that we should lead with the definition of EJ, and then add data and facts. There are disparate impacts and we need to create a situation where everyone enjoys the same rights and benefits.

Lisa said that MDE's initiatives are an ongoing process, so the Commissioners should feel free to contact her with additional comments. She asked for 2-3 people to work with her on an EJ 101 presentation for the EJ internal workgroup. Karen, Vernice, and Rebecca volunteered to help.

Jennifer Bevan-Dangel said that environmentalists typically do a terrible job talking about EJ and other issues, but there is a local government document that is a good example of messaging that she will send to the group.

Vernice said that the impetus for EJ on the federal level is due to the President and EPA Administrator Lisa Jackson. There is now a dynamic energy at EPA to do the most aggressive things that they can do in relation to EJ. She said that the President's administration has demonstrated a level of personnel commitment. She has never heard Governor O'Malley talk about EJ. The Secretary of MDE should give a charge to MDE employees.

Lisa said that Secretary Summers has spoken to Senior Staff and told them to work with Lisa and designate employees to help with EJ efforts. He is serious about the importance of EJ at MDE and he is supporting the internal initiatives

Vernice said that she was glad to hear that.

Scot said that Kathy Kinsey also acknowledged the importance of EJ to MDE.

Stephanie Cobb-Williams said that in future reports, the CEJSC can give suggestions to MDE's internal workgroup. From a legal perspective MDE statutes are public welfare statutes, so EJ could possibly be incorporated through that direction.

Brainstorming: Action Items

- Jennifer Bevan-Dangel: Align “charge” idea with action items
 - Vernice: raise integration with other agencies
 - Cliff: schedule commission meetings at each department
 - Going to them might be better for us
 - Lisa: I don't want them to talk; I want us to talk. Our job is to advise – so advise
 - Bob Sklar: Employ SMART outcomes
 - Come to them (agency) with an agenda that's important to them
 - Robin: Seek to grow EJ liaison w/in each agency, work to educate and develop workshops to advance EJ SC principles virally through departments and State House
 - Vernice: help folks meet their Title VI obligations
 - Rebecca: going to conferences; there organizations that are hungry for EJ data
1. Practice changes SMART techniques in engagement with agencies and locals
 2. Building a community of practice with other State agencies and local governments
 - Plan MD – Arabia, Vernice, Jennifer Bevan-Dangel, Calvin
 - MDOT
 - Howard Co (?) – Calvin and Lisa
 - Business outreach – Lisa, John, and Dick

- Fine-tuning MDE initiatives
 - Academic community – Rebecca and Calvin
3. Development of guidance documents/ best practices, share, and educate as the experts on EJSC matters
- Public Outreach – Jennifer Bevan-Dangel
 - Case Studies – Rebecca
 - Outreach to advocates – Jennifer Bevan-Dangel and Andy

Vernice: suggested finding replacement for Commissioner by looking in western MD and southern MD

Problem and Solution Statement

Jennifer Bevan-Dangel said how do we create the change we want to see in the world?

Stephanie said that CEJSC only has the authority given to it from the statute.

Bob said we should tell agencies to reach out to local community groups; then at the end of the year take a look back at what has been done.

Scot said that if we can't do all 6 of the steps, then which 2 or 3 can we do? We're not going to lobby; we're not a C4; we should ensure every Marylander has access to EJ.

Bob said that maybe which steps to take is not for us to decide, but rather we can put all of them out there and tell them bring it to us. It'll tell us where are priorities are.

John K said that people aren't going to MDE; they're going to their local governments.

Calvin said that it's the communities that don't have that power to organize and go their government's agencies that we need to reach.

Rebecca asked if there is a way for us to have an interstate coalition; local is not defined by state lines.

Vernice said that EJ issues are being exported out of states, i.e. transportation of trash out to other states. We need to get rid of our waste better.

Scot said that zoning and cumulative impact burdens are issues.

Cliff said that there was the Sheriff Road project. Do either zoning or permitting offices take into effect the health and history of impact?

John K said one issue is where are we going to put everything, it has to go somewhere. I don't want it next to me and you don't want it next to you.

Rebecca said that some of the stuff we're saying is stuff we said before.

Karen Forbes: said that we should have some foresight into where we are putting toxic substances.

Vernice said that EJ communities get the burdens, but not the benefits. We need to make sure they're giving communities the right information.

Annual Report Review

Lisa said that we drafted the annual report and sent it out for comment. She said that Dick responded with some comments and asked if anyone else had feedback?

Vernice said we should mention NEJAC and our participation in it. NEJAC is related to representing a state EJ group. She commented that we need to make EBD's a real priority.

Lisa said the CEJSC already gave suggestions on EBD's in the December minutes and that MDE is moving on them.

PlanMaryland Overview

Charles Boyd thanked everyone for the opportunity to make a presentation. He distributed a progress report that summarizes the work on PlanMaryland for the past three years. In April they released PlanMaryland for public comment. They have already received a lot of comments, so they wrote the progress report because they wanted to respond to what they have been hearing.

He went through a brief summary of PlanMaryland. PlanMaryland is a diverse state development plan for land use issues and transportation. It is designed to help state agencies, local government, and the private sector work together better.

PlanMaryland is needed because it is estimated that one million new residents will be coming to the state. We will have an increased development rate and we need to balance that with protecting farmland, natural resources, the Bay, reducing automobile dependency, increasing access to transportation, concentrating jobs in close proximity to housing, recognizing housing affordability problems, and minimizing land consumption outside priority funding areas (PFAs).

There are three desired public outcomes to the plan. The three goals are growth, preservation, and sustainability. The keys to success are managing critical resources necessary to sustain growth and increasing coordination efforts. Designated places are also a key element of the plan. There are five identified areas that encompass the goals of growth, revitalization, and preservation. There are draft policies in the plan that are intended for the state implementation strategy. We also want to maximize state investment. We already have contacts in key state agencies to promote smart growth and development. The final policy plan is due to the Governor in October, 2011. We look forward to working with you and building on the plan as we move forward. Are there any questions?

Bob asked why the land is being developed at two times the rate of housing units and three times the rate of population growth.

Charles Boyd said that there are more single person housing units being built. It is also a combination of a lot of things, such as, the average square footage of a house has doubled since the 1960's, the lot size has increased, commercially we now have stand-alone business parks. We as a society use more land.

Bob said what is worrisome is that each line is linear, yet smart growth was introduced 15-20 yrs ago.

Charles Boyd said that even though PFAs were established in 1997, some would argue that we are just starting to see the effects now. Also, some would argue that the PFAs have not worked well. MDP is trying to do better with planning. In the past few years the economy has slowed, when the economy comes back then what do we do? The younger generation now wants to live in the city. We do not have an exact science on which way development will go, but we need to try and plan for it.

Vernice said that currently the plan is based on a voluntary process, has anyone thought about the fact that being voluntary is a problem? Smart growth involves trying to bring people back to the city, but it also has the effect of raising rent and displacing current residents, without making anything better for them. Where do you think EJ is already in the plan and where is the room to put it?

Charles Boyd said that there is a set of EJ policies with different state agencies, but that they are not very accessible to the public. He is hoping MDP can develop a series of polices as guiding principles so that EJ is at the forefront of the process, not an afterthought. That gets into the issues of displacement/gentrification. Gentrification isn't always bad, but it has to be coupled with affordable housing. The United States is a capitalist country; people only invest if they can make money. We have to create economic housing opportunities. Another issue is that locals make building permit decisions; they feel that the state is taking away their authority and they are not happy. We need to partner with them to be successful. PlanMaryland is based around incentives, not regulations. If it doesn't work and the only way to solve the issues is through regulations, MDP will move to regulations.

John K asked how PlanMaryland resolves the issue of home prices.

Charles Boyd said that if we center development in existing communities, then we won't have to add infrastructure, power, and utilities. Increasing units around the community create a more equitable housing market and increase mixed income housing.

John K said that he is in the building industry and 25% of the cost of construction is in regulation, and the new proposed septic initiatives will further hurt development.

Charles Boyd said that he is not here advocating for the septic bill, but if it goes through MDP needs to focus on financial incentives, we don't want to kill the TDR in Caroline County with a septic bill.

John K said that developing in revitalized areas and smart growth are good things, but smart growth has also been hampered by the total maximum daily load (TMDL) requirements of stormwater regulation.

Vernice said that this could be a conversation around the WIP, an unhealthy bay means the whole state will suffer; there has to be a way to balance all interests. The CEJSC would like to have all the interests balanced together.

Charles Boyd said that chapter 6 in PlanMaryland lays out a structure for management and oversight.

Dick asked how we can get comments to him as Commissioners and individuals.

Lisa told Dick he could give his comments to Calvin, Jennifer Bevan-Dangel, or Vernice because they would be submitting the letter on behalf of CEJSC.

Vernice also told Dick that PlanMaryland is taking individual comments from Maryland citizens. She thanked Mr. Boyd for his presentation, and thanked Lisa, Rebecca, Anna and Megan for their work on the retreat.

Adjourn

The next CEJSC meeting is scheduled for September 22 at 9:30 a.m. in Baltimore.

Appendix B: Agendas and Minutes

Commission on Environmental Justice & Sustainable Communities (CEJSC)
October 28, 2010, 9:30 – 11:30 am

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

AGENDA

- | | |
|----------|---|
| 9:30 am | Introductions |
| 9:40 am | Other Business <ul style="list-style-type: none">• Approval of April, May, June, July and September Minutes• Dick Fairbanks – 2 items to discuss |
| 10:00 am | Secretaries' Roundtable |

- 11:00 am EPA's Pending Regulation of Coal Ash
- Follow-up discussion from September's presentation by Ed Dexter
 - Sierra Club's Letter to Governor O'Malley

11:30 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
December 9, 2010**

**Annie E. Casey Foundation
Baltimore, MD**

AGENDA

- 9:30 am Introductions
- 9:40 am Review of October meeting with agency Secretaries
- 10:00 am Discussion on the connection between legislative issues & Environmental Justice
- 10:30 am Community Issues Report
- Follow up – issue of Kirk Avenue Bus Depot (follow up to Glenn Robinson's concern at May meeting)
 - Follow up – issue of gutter trash in Baltimore City (follow up to Glenn Robinson's concern at May meeting)
 - Follow up – issue of Energy Answers Waste to Energy Facility in Curtis Bay (requested by citizen Carol Nau)
 - Report on CCB Millennium Application – Andy Fellows
- 10:45 am Ed Dexter Presentation on Millennium Application
- 11:00 am EBD Discussion (will continue over lunch)
- 11:20 am Other Business
Approval of September and October CEJSC Meeting Minutes (If quorum)
- 11:30 am Adjourn

January Meeting cancelled due to weather

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
February 24, 2011, 8:30 a.m. to 10:30 a.m.**

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

AGENDA

- 8:30 am Introductions
- 8:45 am Dr. Robert Summers, MDE Acting Secretary
- 9:00 am Legislative Update
- 9:30 am Discussion: What does an environmentally just Maryland look like in five years?
- 10:15 am Other Business
 Approval of December Minutes, if quorum
- 10:30 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
March 24, 2011, 8:30 a.m. to 10:30 a.m.**

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

AGENDA

- 8:30 am Introductions
- 8:45 am Legislative Update
- 9:00 am Speaker: Vinny DeMarco- Health Care for All!
- 10:00 am Discussion: sub-committee follow up
- 10:15 am Other Business: EBD follow up, Biomonitoring Symposium review,
 Approval of February Minutes, if quorum

10:30 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
April 28th, 2011, 9:30 a.m. to 11:30 a.m.**

Maryland Department of the Environment, Aeris Conference Room
1800 Washington Blvd • Baltimore, Maryland 21230

AGENDA

- 9:30 a.m. Introductions
- 9:40 a.m. Legislative Review
- 10:10 a.m. Watershed Implementation Plan (WIP) Update
- 10:30 a.m. Discussion: continued conversation from April 20th lunch
- 11:30 am Approval of February and March Minutes, if quorum
Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
Children's Environmental Health and Protection Advisory Council (CEHPAC)**

Annual Joint Meeting

May 26, 2011, 9:30 a.m. to 11:30 a.m.

**Montgomery Park
Baltimore, MD**

AGENDA

- 9:30 am Introductions
- 9:45 am Update from CEJSC Chair
- 10:00 am Update from CEHPAC Chair

- 10:15 am Presentation from New Generation Biofuels on Maryland's Biofuel Goals, Followed by Q&A
- 10:45 am Biomonitoring Update from Dr. Cliff Mitchell
- 11:00 am Other State Children's Health Initiatives from Dr. Cliff Mitchell
- 11:15 am Other Business
- 11:30 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
June 23, 2011**

Maryland Department of the Environment, Aeris Conference Room
1800 Washington Blvd, Baltimore, MD 21230

AGENDA

- 9:30 am Introductions
- 9:45 am Commissioner's Retreat Planning
- 10:00 am Annual Report
- 10:15 am Scott's Homework: Problem and Solutions Statement
- 10:30 am MDE Initiatives
- 10:50 am Other Business
Approval of May Minutes, if quorum
- 11:00 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
The Commissioner's Retreat, Thursday, July 28, 2011
Howard Community College
Columbia, MD 21044**

Retreat Goal: To develop methods and goals to implement the CEJSC charge of advising the Governor and the Administration how to move towards a more environmentally just Maryland.

AGENDA

- 9:30am Greetings: Dr. Kate Hetherington, HCC President
- 9:45am Check-in with the Administration: Kathy Kinsey, MDE Deputy Secretary
- 10:15am Rules of Engagement
- 10:30am Charge of the Commission: Stephanie Cobb-Williams
- 11:00am Applying the Charge: Methods of Implementation
- 11:30am Lunch/MDE Initiative Feedback
- 12:30pm Brainstorming: Action Items
- 1:15pm Problem/Solution Statement: Moving Towards a More Environmentally Just Maryland
- 2:00pm Annual Report Review
- 2:20pm Break
- 2:30pm Plan Maryland: Maryland Department of Planning Presentation
- 3:30pm Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
September 22, 2011, 9:30 a.m. - 11:30 a.m.**

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

AGENDA

- 9:30 am Introductions**
- 9:45 am Updates on to do list from July Retreat: Building a community of practice with state agencies and local governments**

Use SMART techniques to engage state agencies and local government- **Scot** and Andy
Plan MD Comments- **Arabia**, Vernice, Jennifer Bevan-Dangel, Calvin
Title VI disciplinary team: effort to make other state agencies aware of Title VI- **Robin**
Local jurisdictional model of incorporating EJ into permitting (HC)- **Calvin** and Lisa
Fine tuning MDE EJ initiatives- **Lisa**, Rebecca, Vernice, and Karen
(MDE Initiative) What makes an EJ area/an EJ area- policy and location- **Lisa**
(MDE Initiative) Guidance documents at MDE- **Lisa** and Vernice
Ask each agency representative to ID an EJ issue at his/her agency- **Lisa**

10:30 am **Updates on to do list from July Retreat: Development of guidance documents/best practice documents and outreach**

Business outreach: case studies/surveys of individual businesses/best practice- **John Quinn**, Bob, John Kotoski, Dick, Lisa
Public outreach- **Jennifer Bevan-Dangel**
Outreach to the Academic Community- **Rebecca** and Calvin
Case Studies/building an academic library- **Rebecca**
Outreach to advocates- **Jennifer Bevan-Dangel** and Andy
Integration of charge and problem/solution statement- **Rebecca**, Jennifer Bevan-Dangel

11:00 am **Other Business**
Approval of July's Retreat minutes, if quorum

11:30 am **Adjourn**

MINUTES

Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting

[October 28, 2010]

In Attendance

- Commission Members: Andrew Fellows, Scot Spencer, Dick Fairbanks, Secretary Shari Wilson (MDE), Betty Dabney, Clifford Mitchell (DHMH Designee), Robin Underwood (MDOT), Robert Sklar (DBED), Karen Forbes, Vernice Miller-Travis, John Quinn, Lisa Nissley (MDE Designee)

- Participants: Jennifer Peterson (Envi. Integrity Project), Caroline Varney-Alvarado, Fran Phillips (DHMH), Shelley Wasserman (MDP), Dorothy Morrison (MDOT), Karen Gooden (MDOT), Glenn Robinson (MSU).

Introductions

The meeting began with introductions from each person in attendance.

Other Business

Dick Fairbanks spoke on two items. The first item was water quality and late reporting. He will keep us up to date. The second item was fisheries.

Vernice Miller-Travis spoke on drinking water quality. She reported that there were four of ten people at the EPA listening session. The other people were EPA. The feedback received focused on the following points: effective strategies around storm water; making the Federal Government a more effective partner; the addition of tools and resources to address issues in the community.

She expressed concern on notification issues, and on giving notice to a network. The notice should be put in writing for a city like Baltimore. There will be cost. How do we build a public forum. It will up property tax and have a disproportionate impact.

She does not think we should block a grant under the section 108 loan program because we must sustain community partnership.

There was an idea to hold an EHE 2011 Summer Meeting.

The Environmental Financial Advisory Board could help finance environmental upgrades for locals and find where money is public and private.

There are challenges for growth and development in a business friendly environment.

Comments are due 12/7/10. Send out EPA registration information.

Andy Fellows said that it will be disproportionate and that it is not the case that people will not build.

Scott Spencer mentioned a review of smart growth awards, he started putting a committee together. There needs to be additional criteria around storm water management.

Secretary Shari Wilson discussed two sets of requirements. The first set of requirements is a watershed implementation plan. MS4 permits have already developed 95% of area, so the pollution is retrofit. The second set of requirements is that Andy's 5% is new development equity. There is not a tremendous amount of data on cost. One study shows environmental site design is actually cheaper. Broadening studies show that it is cheaper.

Andy spoke on combining green building practices like the reuse of water by harvesting rain. The issue to address is the challenge of integrating water management.

Vernice said there is a difference between Baltimore and the rest of the state. Prince George's County is different. There is new development on Church road. Now there are no farms or trees. She cited concerns about potential development, like eighteen-hundred square foot homes, subdivisions, new roads, and the Wegman's shopping center. The traffic from all highways is jammed and the impact from the Southwest has been great.

Betty Dabney spoke about an EPA demonstration video on permeable concrete, which presents an opportunity for water absorption. There are many opportunities to improve run off. Homeowner incentives could help to persuade homeowners to explore opportunities. We should think about these opportunities for the common good.

Dick said that the farm trip was instructive, but scary. Developers are too powerful, the people are weak. We need a good debate or it will happen again and again.

Secretary's Roundtable

Secretary Shari Wilson followed up on the discussion from the symposium on environmental, justice, health and planning process. There should be twenty people to provide analysis asked by the CEJSC to address injustice.

Secretary Shari Wilson followed up on what departments have in mind and what they think can be done better, and more collaboratively. What is an Environmental Justice place? We don't want a punitive or negative connotation. What have we experienced over the past year? As we turn the page what are we thinking about on how we can elevate EJ?

She said that Morgan was a very energizing, positive event. Terrific job Everyone. She stated two areas to focus on 1) air quality 2) The Chesapeake Bay.

- 1) Air Quality is the cleanest it has been since the passage of the 1990 Clean Air Act. We continue to have challenges. We need to continue to push EPA on power plants. We want the same rules in surrounding states to even the business playing field. This is a public health issue.
- 2) The Chesapeake Bay presents issues on the economic health front. The quality of life. We should have a Plan finalized at the end of the year. In 2011 we should be working on details to implement restoration by 2020. There should be

nitrogen reductions by 50%. We have made great progress, it is hard but we can get there by 2020. Other states are trying to get to these goals by 2025. There is a broad plan that needs to be refined and we need to have deadlines, as well as a Plan B by 2011.

Montgomery County was the first to update and they agreed to a very progressive plan. We need that in other jurisdictions too. Think of Environmental Justice, etc. The impact of a restored Bay would be enormous. Hold us accountable.

If anyone had said that by 2010 we would have 1990 Air Quality levels, people would have said no, it's not possible. It has been progressive only because of the Clean Air Act plan.

Andy agreed with the Secretary. He discussed Green House Gas Reduction and Climate Change. He discussed administrative reduction. It's good to have an aggressive reduction plan. We are also dealing with legacy issues.

Vernice said that there is an institutional problem. There is no mechanism for open discourse, debate, and discussion.

Secretary Shari Wilson said, "Lisa and Jeff we can let you know about rules and the commencement period."

Betty said MDE needs to stay focused on what the agency does. We need to be visible on legal issues. How do we get into it from the beginning? We need to search permits and create environmental justice legislation. We can begin there. The website is an obvious way to be visible.

Fran DePowers of the Dept of Health and Mental Hygiene discussed the impact of weather events on public health and waterways. We need to target outreach.

Fran also spoke about health reform. There should be a prevention wellness committee transformation. There is a cost curve that comes back to cost driver's prevention. There is recognition that there needs to be structural change. We need to look at the built environment, food deserts, zoning land use, etc. We need more engagement and more knowledge to make great proposals. We can use health data for measuring disparities. We need to train people to consider racial background too.

Scott there is a lesson around sustainable community progress. He would love to be there.

Planning

Shelly said PlanMaryland is a state project. There is lots of information on the website. There are listening sessions. Ideas for prevention were not though through in a complete way- i.e. there is no housing plan. There is a temporary TF on growth and development.

There is a committee on sustainable growth that now has 36 members as of the 2010 legislative session. Presentations by John Laria are an opportunity to look at Environmental Justice issues. The committee meets bi-monthly.

Housing

Carol responded to Shelly about the financing agency. In order to finance the thing you want to build, there is no statewide plan, but there is a strategic plan for local communities. There needs to be an assessment of needs or research department to assess the gaps in affordable housing.

Green building council.

Karen Forbes said an additional Environmental Justice seat broadens knowledge of needs, this pushes us forward.

Vernice said due to high foreclosure, predatory lending, etc. credit card rates went up, does the state understand? Homeowner preservation TF w/ DLLR. Mediation. Foreclosures were due to subprime lending.

On the issue of unemployment, people really stack up in areas with new homes. Their homes are losing value. She definitely hears what they are saying.

SWM/Planning

Cliff Mitchell from DHMH talked about indicators. Planning should look into incorporating that in planning. Indoor air is the primary concern of health outcomes.

Maryland Department of Transportation

Robin said improve air quality, access to schools, pedestrian access, and safety..

Dorothy Morrison said we should come up with executive level sustainability agenda and action. There should be integrated land use planning.

Carbon neutral coordination is important. Getting agencies together to talk about mitigation is also important.

Andy asked if there was a connection between demolition and the Red line.

Scott responded yes, they are demolishing a couple hundred spaces for a MARC station.

In regards to demolition, how can we commit to not adding cost.

DBED

Bob Sklar said task forces- green jobs and industry are defining strategies to fulfill promise of looking for jobs. We need small business incentives.

Target customers. There have been case by case visits with businesses that are looking to improve. We are walking the line between what is right for the local community and what is cost effective for businesses.

Glenn Robinson said he is pleased to see it is all coming together. We want people to really think about underserved communities.

Bob said ID enterprises is interested in that type of business. Check the list of Communities. There should be an exchange of info about re-connecting Maryland to New York transit. We should learn about business opportunities.

The environmental impact statements should be uniform across the projects for the state.

Betty Dabney is retiring January 2, 2011.

Ed Dexter spoke about Coal Ash. A Maryland Committee has been based on a three page letter. Federal regulations are needed. We are still evaluating comments on Maryland's permit. It is a permit change, not a new permit. It can take nine to twelve months to change it. If there are federal regulations issued before or after we still have to comply.

Adjourn

The next CEJSC meeting is scheduled for December 9th, 2010

**Maryland Commission on Environmental Justice & Sustainable Communities
(CEJSC) Meeting**

December 9th, 2010

In Attendance

- Commission Members: Scot Spencer, Vernice Miller-Travis, Andrew Fellows, Thurman B. Jones Jr., Karen Forbes (DHCD Designee), Betty Dabney, John Quinn, Clifford Mitchell (DHMH Designee), Jennifer Bevan-Dangel, Calvin Ball (Howard County), Delora Sanchez (Hopkins), Rebecca Rehr (UMD SPH), Lisa Nissley (MDE Designee)

- Participants: Stephanie Cobb Williams, Caroline Varney-Alvarado, Pat Tracey (Hopkins Center in UEH), Glenn Robinson (MSU), Edward Dexter (MDE/Solid Waste), Johanna Johnson (Hopkins SPH), Beth Andreasen (Hopkins SPH), Katia Duey (Hopkins SPH), Elise Perry (Hopkins SPH), Tanyka Sam (Hopkins SPH).

Introductions

The meeting began with introductions from each person in attendance.

Lisa shared that Secretary Shari Wilson has left the Department to pursue other opportunities. Dr. Bob Summers is serving as Acting Secretary and a search should begin soon for a permanent replace. Dr. Summers, who previously served as Deputy Secretary, will be seeking the position.

Lisa shared that the CESJC appointments are in progress and the Governor's Appointment Office will be announcing the new appointees soon. Also, she is working with the Senate President's office for a new Senate appointment to the Commission since Senator Lenett will not be returning to the legislature.

Vernice suggested that as MDE transitions to a new secretary we need to see more engagement from MDE and push for EJ criteria. She talked about the work Oregon has done on the issue and the progress there including EJ criteria in performance reviews for employees. We need concrete ideas to move EJ forward.

Cliff thought that Shari was by far more engaged than other Secretaries; she showed up at meetings and spent more time than others or other agencies. EJ does not belong to MDE he pointed out and said he would like to see engagement with the other agencies.

Vernice specifically would like to see permits denied for EJ/cumulative impact. She agreed that Shari is an extraordinary leader.

Betty pointed out that in order to see a change that allows cumulative impact to be considered during the permit process there needs to be the political will to do so.

Lisa reminded the Commissioners that while the Secretaries cannot always make the meetings, they do send their designees, (Cliff, Karen, Arabia, Robin, Scott, and Lisa) and that Commissioners should push the designees to communicate their thoughts, concerns, and ideas with the Secretaries. She agreed that without political will there will not be a change to the permit statutes to consider cumulative impact or EJ. The agencies must act within the law when reviewing permit applications. If they do not applicants will sue and eventually get the permit.

Ed Dexter agreed and shared that there are times when he looks at a permit applications and thinks it may not make sense to give the permit, but without statutory authority he is not able to deny the permit.

Stephanie shared that she has applied for a scholarship to attend a legal conference that has an EJ section. She is very hopeful that she will receive the scholarship and be able to attend.

With regard to legislation Jennifer Bevan-Dangel asked that the Commissioners help provide perspective on bills about EJ. She explained that the advocates want to help and while they are strong on the policy part the need help with the justice part.

Thurman discussed his neighborhood and the dust at Sheriff Road. It is hard to keep his house clean. The problems have come closer to home; you don't have to look to other states to find problems. The problems are right here.

Calvin Ball pointed out that often the facilities/businesses seeking permits planning much further ahead and are well prepared to make sure they are in a position to receive the permit. The companies have done cost benefit analysis and are well prepared. EJ advocates need to think along the same lines. We should be looking ahead, not backward.

Lisa shared an idea about exploring the advocate's agenda and looking at how EJ is incorporated into each issue so we can provide information to the advocates on the EJ connection.

Betty would like to Commission to be more proactive rather than reacting to other's agendas.

Glenn finds the permitting process to be reactionary and he would like to see a change to be more transparent and fair. He said that looking just at MDE is limiting. Chicago has a 40 year plan with elaborate public outreach. We should strengthen internal processes and structures within agencies and be a change agent.

Jennifer Bevan Dangel would really like the Commission and the advocates to be communicating on all issues. It would be helpful to look at the CCE (Citizen's Campaign for the Environment) priorities. She also suggested that the WIP may be a chance to be involved as the Department works on Phase II. She also discussed funding source that may become apparent as the Blue Ribbon Commission on Transportation does it work over the year.

Vernice believes it is also reactionary to look at the advocate's priorities. She thinks we should be setting agendas not talking about other people's agendas.

Delora thinks that we have the opportunity to reach new people with the new legislators. We should ask to brief the caucuses, that sort of thing. Explain how environmental issues affect everything.

Jennifer Peterson said that the key is legislative change. If the legislature mandates that MDE consider and evaluate EJ and community impact it will. Maryland should be a leader.

Scot asked how we can be more proactive. Right now we look issue by issue rather than setting our agenda. We have to change our frame of thinking and be more strategic.

Cliff suggested that we not concentrate on the legislative session. The budget will be the main issue and many of the things that will happen are predetermined. Perhaps we should look at the agencies and how we can affect change at the permit level. Maybe take an agency and try to develop a plan to incorporate EJ into their permits.

Stephanie passed around the legal statute with the charge of the CEJSC for clarification.

Ed explained that many important EJ decisions are made on the local level. As soon as he gets a permit application he has to first write the locals and find out if the permit activity is properly zoned for the location. If not, the permit is denied automatically. If yes and the permit application meets the legal requirements it is granted. Otherwise there is no other avenue to deny.

Rebecca pointed out that there are impacts at all state agencies and that we should not have a top down perspective.

Andy said there is a EJ perspective to every issue and there are impacts on communities. We need to do more with less. We need to negotiate with communities to get better outcomes.

Vernice- There is a lack of integration with what is going on at a local level. She talked about the 2009 symposium and the great discussion. We need to get back to that.

Betty believes there is a lack of EJ infrastructure in the state.

Lisa suggested we consider Cliff's idea but really look at action items as well as the big picture. Go smaller. At every agency there are many programs. Instead of one agency pick one program and then the actions identified can be duplicated in other programs.

Glenn suggested we need to get the communities involved to address an issue. He discussed issues at Kirk Avenue with the bus depot. Some issues overlap with what goes on at Sheriff Road. He talked about the 2008 FTA that he is not able to get.

Vernice will contact people at EPA to get help with these issues.

Cliff added that industrial activity always leads to concern about the health of the community. Asking for proof is always challenging because there is exposure to so many different sources.

Following the meeting several Commissioners stayed and discussed the EBD program over lunch. It was concluded that the Commission should explore how the EBD designation may be used as a criteria to earn other state assistance.

Adjourn

The next CEJSC meeting is scheduled for January 27, 2011 at The Lowe House Office Building in Annapolis.

January- Meeting cancelled due to weather

February Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting

[February 24th, 2011]

In Attendance

- Commission Members: Calvin Ball, Rebecca Rehr, Scot Spencer, Andrew Fellows, Richard Fairbanks, Dr. Robert Summers (Acting Secretary MDE), Mr. Robert Sklar (DBED), Ann Golden (Representative of Del. Elizabeth Bobo), Jennifer Bevan-Dangel, John Quinn, Lisa Nissley (MDE Designee), Caroline Varney-Alvarado (CHCD)
- Participants: Megan Ulrich

Introductions:

The meeting began with introductions from each person in attendance.

Fiscal Note Discussion:

Andy Fellows: So the fiscal note covers ground for later on?

Lisa: Yes.

Dr. Robert Summers: DLS asks us a lot of questions, which helps us to make the fiscal note very accurate.

Lisa: Some people think we are trying to raise the fiscal note, some people think we are trying to lower it.

Robert Sklar: DVM used to help with costs, now they don't.

Dr. Summers: There is an economic crunch, they are skeptical about increases so it is in our best interest to be accurate with our fiscal note. I would like to note that the federal government was not paying their stormwater utility fee to Maryland federal properties. Andy Fellows and Senator Cardin got the federal government to pay the fee.

Calvin Ball: What are the ramifications of the change?

Dr. Summers: There are huge ramifications, because the federal government is always pushing us to do more.

Calvin Ball: Where can I get more information on this?

Dr. Summers: Lisa can send you the weblinks, MDE did a website revamp and I don't know if the particular legislation is on the website.

Dr. Summers Introduction:

Dr. Summers: Thank you for inviting me here today. I have been the Acting Secretary of MDE for three months. Our current fiscal situation is very bad because of the bad economic downturn. We need to identify PINs and get permission to hire a person. Turnover is currently at 4% and we cannot hire anyone until it reaches 6%. That means when someone retires or applies for VSP we cannot hire someone to fill the position until we get to 6%. The bottom line is that we lost 33 people at MDE (including 22 people due to VSP) and we have the lowest PIN count since the system was created in 1987. This makes the work harder on Lisa and it makes our fiscal notes more important.

Some permits allow a fee by: 1. regulation 2. legislation 3. some have no fee at all, an example of that is water appropriations. All tax payers pay for fee as opposed to users, they tried to do a fee in 2001.

Mr. Sklar: Do fees go into a MDE general fund?

Dr. Summers: The fees go into the fund that is set up specifically for that permit. Some fees have not been updated for years. We need to set up a reassessment schedule. Andrew Grey has a section in the budget on fee reports.

One important priority is the WIP in the Bay. The Governor is hosting a public forum today on the WIP in the Choptank. The legislation from Senator Pinsky and Senator Lafferty restricts large septic systems in rural areas. The problem is that septic systems have no reduction of nitrogen because clear water drains off the top. We need to control it

because there are currently 420,000 septic systems in Maryland. We need federal oversight; Maryland has always been a leader.

Jennifer Bevan-Dangel: There is a House amendment on TMDL funding. I'm told by senators that it is not likely to pass the Senate, but it would be a huge hit.

Dick Fairbanks: Delaware has a lot of septic systems, do they have any effect on the bay?

Dr. Summers: Yes, the ones in the Bay basin contribute to the nitrogen just like the ones on our Eastern Shore. That is why Federal EPA oversight is important. Each State is allowed to monitor itself, DE does have an EPA approved WIP. I think that the federal EPA is doing a good job keeping everyone on track, but that could be shaky going forward because of what is going on in the House of Representatives regarding federal EPA regulation.

Dick: The reason I asked was because development is extensive in rural areas of DE.

Dr. Summers: There are two septic bills going through the General Assembly this session. What is known as the little septic bill is nitrogen removal on all new and replacement septic systems. The big septic bill is the Governor's bill banning septic systems on all new subdivisions. MDE has advocated to use nitrogen effluent as fertilizer for turf grass, but we first need to make sure that the effluent is treated and that there are no public health risks. Pulling water from the streams, polluting it, and putting it back in the streams is clearly not a way to be sustainable.

Andy: How do we make Maryland sustainable?

Dr. Summers: Yes, the schedule addresses that. Fees are one way to help. Rex Waldemen is on the committee on how to make a water supply sustainable.

Andy: There is more controversy on where to calculate downstream cost?

Dr. Summers: The problem is that we need to pay for damage we cause, the calculation is fairly easy. What is College Park's contribution to the Bay? If we take a per acre fee x storm water utility = the fee. The flush fee and other initiatives have amounted to five billion dollars. Our goal is ten billion dollars. That is a cost that needs to be born by all of us. It is a struggle to clean the Bay, but it is something that is important to all of us because it affects our drinking water.

John Quinn: Maryland is the most progressive State dealing with coal ash in the country.

Dr. Summers: Our requirements would meet EPA rules. There is a big dispute on whether it should be considered hazardous waste or not. Either way Maryland would meet the CCB requirements.

Scott: What is the State's pathway to sustainable energy? So ideally in the future we are not talking about permitting coal ash, but instead we don't need coal ash.

Dr. Summers: The state is looking at wind power, electric energy units, Marcellus Shale gas drilling. There could be up to a 13 year supply of gas derived from Marcellus Shale. The low hanging fruit is conservation and reduction of energy use. There are things an individual can do like sign up for peak rewards which cuts off your electricity during peak demands and MDE has a clean energy center that does an energy audit of your home. The RGGI is supposed to be a route for how the nation should go. RGGI has generated millions of dollars in conservation money. There needs to be better sustainable relief for low income people in areas such as new insulation and windows for their homes. Maryland needs to continue to be a strong leader.

Bob Sklar: Governor's Invest Maryland Program initiative, while not specifically geared toward sustainability, will have an impact because there is \$100 billion dollars for capital, it will have an impact because of green business.

Dick: Windpower generates 1.4% of BGE's power. I think Nuclear makes more sense.

Dr. Summers: Nuclear was safe for many years, but Three Mile Island raised concerns, but we have not dealt with nuclear waste. I am on the Appalachian Committee. All of Maryland's nuclear waste is low level waste. All high level waste is the responsibility of the Federal Government.

Andy: The issue is that we need a cradle to cradle analysis on what communities are receiving waste?

Dr. Summers: I agree, we need to look at the issue holistically.

Dick: Nuclear provides 20% of the energy in the state, wind and solar is not going to make it.

Jennifer: House 1107 Septic Bill is important.

Andy: A lot of people don't recognize the EJ aspect of that bill, but they should.

Discussion:

Scott: As a follow up to the December meeting, this Commission has talked about being less reactionary and more visionary. I want to generate a conversation about what would make Maryland a more environmentally just state. Let's think of 4-5 goals then use the 4-5 goals as a campaign of action. Getting EJ reviews in permitting processes would be huge.

Jennifer: MDE needs the authority to act

Lisa: I agree that the authority to act is an issue, but local zoning is also a problem. We need to make a broader change.

Rebecca Rehr- I think local zoning and permits are two different issues.

Andy: There needs to be definitions of green jobs and sustainable growth and plans to implement both. The state is not adequately funding environmental protection that impacts the pollution permits. Without proactive permits the state can't get its arms around waste and natural resource use. Also in regards to green building, something needs to address energy efficiency issues. Looking at something in a fragmented way won't help.

Jennifer: Affordable housing needs to be included in smart growth plans.

Dick: Uplands is a big success story, they built subsidized housing and un-subsidized housing together in a mixed used housing development.

Scott: Is there any affordable housing in DOT/ TOD bills?

Jennifer: MDOT said putting TOD in public transit bills would kill bill gentrification around TOD.

Rebecca: Place Matters is doing a study.

Caroline Varney-Alvarado: The housing department could give a presentation on affordable housing. Sustainable Growth Commission has a meeting on March 1st. There is a housing component on the plan at the BD museum and a special meeting for the legislation. As far as a big picture idea the Commission is considering serving as an informational resource and making the information available to the general public. The problem is that the web is such a clearing house of information, how do individuals know what real information is and how to sort it from the bad information?

Rebecca: I have been wondering how to teach EJ issues, especially to young children.

John: The theme I keep hearing is that we need more education, but we still haven't talked about how to correct past problems. MDE needs more money.

Jennifer: Can we create a position similar to a public defender/ombudsman for EJ issues/communities? It is beyond the resources of the Commission to meet EJ needs.

Rebecca: We need a more comprehensive picture of EJ, not just Baltimore and Prince George's Counties, but the whole state.

Andy: The market will seek the least regulated approach that is why we need the state and counties to be in agreement on regulation.

Dick: I agree we need all counties to be on the same regulations.

Andy: The challenge is to make the regulations make sense to the public sector, like the Constellation Energy plan to best protect the environment from coal ash.

John: Constellation surpassed the best practices in the industry. We met for fourteen months with lots of different interests groups and signed an agreement. I hope the collaboration is a model for the future.

Andy: The previous plan for coal ash was to send it to PA and VA, so if we are going to manage the waste in the state how do we do it? This Commission is really an inter-agency clearing house for environmental issues, economic issues and housing issues.

Scott: So I have three different buckets in my notes: 1. education, 2. advocacy, 3. best practice. I am also wondering how we as a commission get in the fights?

Andy: We get in the fights by advising how to fight.

Scott: How do we implement that? We need to push information out from this Commission.

Lisa: There is an intake process, we need to consistently refer them to the right decision makers and it is important not to act as if we can fix the problem. The question is how do we refer them? How do we communicate with people? What is the best way to get the message to the public? The Commission doesn't have to be for a project goal, but we can give them information. Advocates are here as liaisons in Annapolis everyday, we can get them to fight the fight.

Jennifer: Maybe we should implement a sub-committee structure; I would be willing to chair a sub-committee. Could we bring in other people to help us?

Scott: Yes, let's work on getting a proposal out for next month.

Lisa: It is important to set priorities, nothing gets done if we don't prioritize.

Dick: Communication is good, marshalling outside resources is always helpful. We may not have money, but we do have power because we are a state commission. I like the idea of bringing in others.

Andy: Who here is on a taskforce? I'm a sustainability mayor.

(Lisa, Caroline, Scott and Vernice all are also on a sustainability taskforce).

Andy: Let's work together with the taskforce to work on EJ at a state level.

Jennifer: We should come up with a one page specific plan of concrete policies on EJ issues that we can insert into all policy discussions. That way when someone asks us for EJ input we have something to give them.

Lisa: We should also work on building relationships. For instance, we have started to build a relationship with Les Knapp. He may disagree with us, but it is a useful relationship and perspective to have.

Adjourn

The next CEJSC meeting is scheduled for March 24th, at 8:30 am in room 218 of the House Office Building in Annapolis, MD

Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting

[March 24, 2011]

In Attendance

- Commission Members: Nancy Servatius (For Cliff Mitchell DHMH), Arabia Davis (MDP), Jennifer Peterson, Jennifer Bevan-Dangel, Lisa Nissley (MDE), Rebecca Rehr, Vernice Miller-Travis, Scot Spencer, Andrew Fellows, Calvin Ball, Dick Fairbanks, Robin Underwood (MDOT)
- Participants: Glenn Robinson, Megan Ulrich

Introductions

The meeting began with introductions from each person in attendance.

Legislative Update

Lisa- HB 1033- proposes changes to current lead risk reduction procedures.

Jennifer Bevan-Dangel- SB 690- proposes moving WTE into tier 1 sources, which would invalidate the RPS standard. HB 474- would create a fast track review of development permits. Sustainable growth used to have 30 million in the budget and now it is down to seven million.

Andy asked about the status of the EJ bills.

Lisa said that there has been no vote on SB 752 and that the House bill has been withdrawn.

Other Business

Vernice expressed her support for the state agencies doing their own analysis of environmental justice reviews during the permitting process on a state level, like EPA does on a federal level.

Lisa said that MDE would like to look to the Federal EPA for guidance on the issue.

Vernice said that she would like to work with MDE on that issue.

Scot said that is a good pivot point to talk about the CEJSC being a more visionary and less reactionary body. Mr. Vinnie DeMarco is here today to talk about strategies for achieving that goal.

Vinnie DeMarco Presentation

Vinnie spoke about how his advocacy strategy on public health correlates to what we are doing in the CEJSC. We need to transform public will into political power. Since 1997 the state has seen a 32% reduction in smoking and the money saved was used for extending health care to 250,000 people. We have formulated a six steps plan. The six steps are: 1. gather evidence of data behind policies, 2. conduct intensive polling of public, 3. build a coalition, 4. use extensive media coverage to our benefit, 5. make the issue an election issue, 6. lobby to get issue passed. The mistake that most advocacy groups make is starting with step 6. He stressed the importance of starting with step 1.

He gave an example of step one, in the 1990's teen smoking was skyrocketing and the data showed that raising cigarette taxes was the best way to combat the issue. You also have to consider the rule of thirds. You have three groups 1. advocates (your base), 2. the middle and 3. the opposition. You need to motivate your base without turning off the people in the middle.

Steps one and two are intermingled, but once you have data do a 3 question poll to judge the political will power. The poll questions could be 1. Next election who will you vote for? 2. What if the Democrat supports X and the Republican opposes X? 3. What if the Republican supports X and the Democrat opposes X?

In step three you build a coalition. You have shown through step two that the public is behind you. You need to create a one-pager on the issue that summarizes your key objectives/rules. We could then go to the Environmental Advocates and maybe even faith leaders with our issue.

That leads into step four which is using the media. Use earn media and paid media. Get press coverage on your issue. Go to the media with information and be there to answer questions. Getting an organization to sign your one pager is not lobbying as long as you do not put “please call your state legislature” at the bottom.

Talk to a lawyer about where the legal line is for your organization. Ask him/her two questions: 1. Where is the line that I can’t cross? 2. How do I get as close as possible to that line without going over it?

Step five- Use 501 c 4 money, don’t work as a PAC. Transform your one-pager into a “candidate’s pledge” or a “candidate’s resolution”. Educate the public on who voted for the issue and who didn’t.

Andy asked do you follow the Maryland four year election cycle for your issues.

Vinnie said yes we do follow that format.

Andy asked if Vinnie sees the single payer option as always being a negative.

Vinnie said he does see single payer as a hindrance because the idea alienates people in the middle.

Calvin asked how the different levels of government affect each other.

Vinnie said you need to indentify the problem. Do you need a local ordinance? Do you need a state law? He thinks what Maryland did on healthcare helped the federal Healthy Care Act pass.

Jennifer Bevan-Dangel asked Vinnie how he saw the new caucus in Maryland and if that would affect anything?

Vinnie said that you have to think about your support strategically and what areas you really want support in. If your proposal does not garner support you need to rethink your plan.

Lisa said that she does not think that there is currently a lot of political will for EJ, but that if we start to build local support that would help build political will.

Jennifer Bevan-Dangel said framing the issue is important; you have to find what works.

Scot said we are in a different space because we are an instrument of state, so as far as application of the model we are not a 501 c 3.

Vinnie said that if we can’t do steps five and six, we should focus on steps one through four because those steps can work well to accomplish our goals.

Jennifer Peterson asked how you see your steps applied to the administrative process.

Vinnie recognized that is a critical piece because you want the organization to help you on implementation. There is an organization called the ecumenical leadership council, Bishop Sutton is an Episcopal bishop who is very interested in EJ issues. You should go see him to draft a resolution.

Andy asked if Vinnie deals differently with government depending on who is in office.

Vinnie replied that he does, especially under Erlich. We focused on pieces of legislation instead of legislation as a whole. Governor O'Malley has been great.

Vernice said that she likes the way Vinnie built his platform. She feels a lot of national EJ work that has taken place has not occurred in Maryland. We need to apply data to a systemic plan for Maryland. We need to decide our core issues so we can coalition build. She is frustrated by the lead bill not being passed.

Jennifer Bevan-Dangel said she thinks the commission should focus on steps 1 and 2.

Vernice asked Lisa what she thought about implementing the ideas.

Lisa said a state based agency head getting a call from faith leader probably wouldn't be that influential, but having the faith leader call the Governor's office could be influential.

Calvin said true believers in the cause don't want to compromise or give up anything.

Scot asked if there were any more questions for Vinnie.

Vernice asked Vinnie what we should do as a commission?

Vinnie said that the CEJSC should start with steps 1 and 2 and draft a one page resolution. The process of writing it causes you to look at questions and arrive at a consensus.

Calvin said that there is an inherent difference between advocates and politicians that boils down to a perception issue.

Rebecca said upper level institutions in Maryland could be a resource for research and data. Students are eager to work on these kinds of projects for free. Also, Dr. Sacoby Wilson, who is very interested in EJ issues, is coming to teach at University of Maryland.

Lisa reminded the commission that Johns Hopkins School of Public Health has come to the commission previously to offer any assistance with research.

Jennifer Bevan-Dangel asked how we make EJ seem applicable across the state? When people think of EJ they think of Prince George's county and Baltimore City. We need to get people in other counties to see that it applies to them as well by indentifying issues in those counties.

Scot said that we did not focus on obtaining data as one of our goals from last meeting, so is that something we want to include now?

Calvin said that some folks have some out in opposition to some things on our list, and that some of those people are ones who live in affected communities. Some EJ related parties have come out in opposition to smart growth principals, like inclusionary zoning, and TOD.

Andy said that that the EJ bills introduce this session were not perfect, but that they did try to get to the core of the Harrington legislation. Maybe we need to work with Del. Mitchell and Senator Benson to build a coalition.

Lisa said that MDE has plans to work with Delegate Mitchell in the future.

Vernice agreed and said we need to work with the legislators prior to session to better prepare them.

Jennifer Bevan-Dangel said we need to work with veteran senators and delegates to ask them what we need to do to get a vote count. Three people should sit down and talk with legislatures.

Calvin said we need to get champions on board and asked how we would do a vote count.

Andy suggested polling.

Jennifer said that we should focus on 4-5 things that are good issues to push. 1. What is our game plan? 2. How do we get our message across? 3. What do we push? 4. Who is our most viable candidate?

Lisa said that maybe initially we should start with a smaller issue, possibly the lead dust test bill if that doesn't pass.

Calvin agreed.

Dick said he thinks we should champion things that are broadly accepted like agricultural zoning, fisheries, and over-fishing, because ultimately these things affect everyone.

Scot said that in advance of next month's meeting he would like to have a group get together for lunch to work on an action plan.

The commission discussed a possible meeting in Baltimore on April 20th at the Annie E. Casey Foundation.

Vernice invited everyone to coal ash lobbying days in D.C. April 11th-13th.

Arabia said that she is working on a skeleton of an EJ plan for social equity in transportation that is due to the Governor in November. She will send Megan information to distribute to the commission for the April or May meeting.

Nancy reminded everyone about the bio-monitoring symposium on April 1st.

Adjourn

The next CEJSC meeting is scheduled for [April 28th, 9:30am] at [Baltimore].

Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting

April 28th, 2011

In Attendance

- Commission Members: Arabia Davis (MDP), Jennifer Peterson, Lisa Nissley (MDE), Rebecca Rehr, Vernice Miller-Travis, Scot Spencer, Calvin Ball, Dick Fairbanks, John Quinn, Bob Sklar (DBED), Calvin Ball, Karen Forbes (DHCD), Matt Greenwood (for Delora Sanchez)
- Participants: Stephanie Cobb-Williams, Megan Ulrich, Horacio Tablada (MDE), Heather Barthel (MDE), Rich Eskin (MDE)

Introductions

The meeting began with introductions from each person in attendance.

Legislative Update

Lisa relayed that there is going to be a special session in September regarding congressional redistricting and there are indications that other issues will be considered as well including a potential increase of the Bay Restoration Fee. Other issues from session have been referred to summer study including issues surrounding development and the use of septic systems. There may also be further study of the Marcellus Shale with regard to the issues considered in this year's legislation (HB 852). The sponsor withdrew HB 479, the expedited permits bill we discussed at the March meeting. Heather and Horacio will be coming in to speak on HB 1033, the lead reduction bill that enhanced the

standard for testing for lead in pre-1950 rental homes. The bill also includes a task force to look at the current fee structure. If there is a suggestion to increase the fee and subsequent legislation, increased revenue would enable MDE to do more enforcement.

Other Business

Calvin Ball said that CSX is looking to open a facility in Maryland and that they have narrowed the search to four sites: Hanover, Elkridge, Jessup, and Beltsville. He is interested in careful consideration of the effects this would have on the local communities and asked that anyone with information about this project share it with him. Dick Fairbanks said that it is a 175 million dollar undertaking.

Vernice Miller-Travis reported that the EPA has decided not to move forward with coal ash regulation. The Constellation Energy/ EIP decision is a high watermark. The proposed EPA regulation was the single most commented on piece of regulation in EPA history. Vernice would like to see Maryland keep moving forward with coal ash regulation. She also said that the Brandywine facility creates a lot of coal ash that enters the Patuxent River, which is a tributary to the Chesapeake Bay.

Scot Spencer spoke about the demolition process of East Baltimore. He recommended that we schedule MDP to come to our June meeting and speak about Plan Maryland, which is a statewide policy doctrine for sustainable growth and development. There is a fourth month comment period on Plan Maryland. He also reminded the Commission that May is our annual joint meeting with the Children's Environmental Health and Protection Advisory Council.

Lead Bill Presentation

Horacio summarized HB 1033. The bill changes the requirements for a pre-1950 rental unit to be in compliance with the lead paint hazard risk reduction standards under the Reduction of Lead Risk in Housing Act and calls for a task force to evaluate and make recommendations to improve the current fee structure. Under this bill, each unit will have to pass a dust test and ensure that any chipping, peeling, or flaking paint has been removed or repainted on interior and exterior surfaces of the residential unit. At each change in occupancy the owner must again pass the dust test. The bill gives MDE civil authority to enforce the law, which MDE did not have before. He further explained that lead was not allowed in paint after 1950, but it was still found in paint until 1978. Owner owned properties that dated from 1950-1978 still had lead, but they are considered unaffected under the law. There are only 550 children with lead poisoning in Maryland, and half come from these unaffected properties. So we need to figure out how to get to 100% reduction, right now we are at 98% reduction in childhood lead poisoning.

WIP Phase II Presentation

Rich Eskin gave a presentation on the Water Implementation Plan to meet EPA's TMDL goals. The EPA has implemented pollution reduction goals for Bay watershed jurisdictions of Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York,

and the District of Columbia (DC). This pollution diet is known as the Chesapeake Bay Total Maximum Daily Load (TMDL), or Bay TMDL. MDE has developed a plan to meet these goals where each jurisdiction has pollution limits and the local government must plan accordingly in order not to exceed these limits (the WIP). He said that the Bay is primarily polluted by nitrogen and phosphorus and that MDE needs to write permits that are consistent with the TMDLs (total maximum daily load). The EPA is the one who sets the TMDL, not Maryland. The EPA requires states to create plans to reach TMDL standards otherwise the EPA will create a plan for the state. EPA was pleased with Maryland's initial plan, which was due in 2010 (Phase I). There are two-year implementation milestones, which are used to track and evaluate progress (Phase II & III). Ultimately we are trying to reach 70% reduction by 2017.

We are currently in Phase II of the WIP where locals develop their plans for implementation of goals. Counties are the ones with jurisdictional responsibility and they need a detailed strategy of how to meet reduction goals. There are four major areas that contribute to the Nitrogen and phosphorus: wastewater treatment, septic systems, stormwater, and agriculture.

Right now Maryland is working on meeting the milestone commitment for 2012/2013. We are looking at BAT technology, which reduces that nitrogen load entering the Bay by about half. There will be a state liaison assigned to every local county and there will be monthly webinars being held. The final WIP phase II plan is due to EPA by March 30th, 2012.

Jennifer Peterson asked how a nutrient trading plan fits into the WIP.

Rich said that there is point/ non-point source documentation for each sector. Reductions required under the agriculture sector would include nutrient trading plans.

Calvin said that Howard County has 10 million dollars in the 2012 budget allocated to getting legal/administrative/technical help with environmental sustainability.

Vernice said that Maryland should do a symposium with smaller jurisdictions on how to cope with the cost of implementing changes, and she recommended the Environmental Finance Center as a resource.

Rich said that MDE has thought about municipalities and unincorporated places, but that the counties will probably absorb them. MDE is going to have a conference call/webinar for small jurisdictions only. The Environmental Finance Center can help teach smaller jurisdictions how to spread costs out, like with a 20-year bond. We need to think more about planning because between now and 2013 we need to reduce.

Dick asked if there was anything in zoning to minimize growth in bad areas?

Rich said that yes there are 3 to 1 incentives as offsets, so economically there would be incentive to build somewhere else.

Dick asked if the filter feeders in the Bay are doing anything.

Rich said that we should try to restore them, but they don't make a huge difference. We are better off regulating the filter feeders through fisheries and aquaculture.

John Quinn said that he likes that the WIP Phase II allows for innovations, we need to find financing for areas. There is algae work like using gypsum as a filter and other filter innovation.

Jennifer Peterson asked if Maryland was accounting for atmospheric deposits of nitrogen?

Rich said no, EPA did not allocate that to the states.

Scot asked where to more information on the WIP innovation?

Rich said there is information available on MDE's website. More will be available in July.

John asked if someone could send him the link to the website.

Conclusion

Scot asked everyone to partake in a homework assignment looking at the problem statement: 1. Cite more specifically what needs to change. 2. What evidence do we have and/or need? 3. Who is part of the coalition? 4. Does this require an education model? 5. Is it something to pursue through advocacy and/or legislation? 6. Should we make something as a guideline for best practices?

Vernice reminded everyone that the NEJAC meeting is being held May 10-12 in Brooklyn, NY. She asked that commissioners read the report and provide public comment.

Adjourn

The next CEJSC meeting is scheduled for May 26th, at 9:30am in Baltimore.

**Commission on Environmental Justice & Sustainable Communities (CEJSC)
Children's Environmental Health and Protection Advisory Council (CEHPAC)**

Annual Joint Meeting

May 26th, 2011

In Attendance

- CEJSC Commission Members: Vernice Miller-Travis (by phone), Delora Sanchez, Rebecca Rehr, Jennifer Bevan-Dangel, John Quinn, Scot Spencer, Calvin Ball, Andrew Fellows, Jennifer Peterson, Dick Fairbanks, Caroline Varney Alvarado, Robert Sklar, Karen Forbes, Cliff Mitchell, Lisa Nissley
- Participants: Veronica Carella, Dr. Lorne Garrettson, Edward Crow (CEHPAC), Mary Jo Harris, Gregory Diette, Ashley Podolak (Del. John Olszewski), Nancy Servatus, Jed Miller (CEHPAC), Cordell Martin, Rachel Hess-Mutinda (CEHPAC), Lee Hurt, Edward Dexter (MDE), Stephanie Cobb Williams, Megan Ulrich

Introductions

The meeting began with introductions from each person in attendance.

Approval of Minutes

Scot Spencer asked that the CEJSC approve the minutes from the February, March and April 2011 meetings.

Vernice Miller-Travis moved to accept the minutes and Calvin Ball seconded the motion.

Update from CEHPAC Chair

Jed Miller said that we now have a fully staffed CEHPAC with all membership slots filled. He said that CEHPAC is working on HB 181 (2010) which requires the Department of Health and Mental Hygiene, in consultation with the Department of the Environment, to conduct a specified study on the feasibility of establishing a biomonitoring program in the State. The report is due to the legislature on or before June 30, 2011. He said that biomonitoring is very complicated because of technicalities of what to monitor and how, as well as, ethical and legal concerns associated with it. DHMH has finished its first draft of the report and they will be looking for comments soon.

Scot Spencer asked Vernice Miller-Travis to give an update on the NEJAC conference that took place in Brooklyn from May 10th-12th, 2011.

Vernice said that Plan EJ 2014 will commemorate the 20th anniversary of the signing of the executive order by President Bill Clinton that required all federal agencies to consider EJ. Lisa Jackson has really made EJ a priority and is focusing EPA to work on it internally. Reggie Harris is the region three director. NEJAC has been trying to integrate EJ into the rule making, compliance and permitting processes. The comingling of pollution poses a problem because we need a scientific way to figure out the affects of

cumulative impact. The EPA's office of Research and Development has received grants to study the issue where there is a disproportionate impact on certain communities. Some communities have really high asthma rates. Coal ash designation is still an issue for the EPA, there was a possibility of designating it as a hazardous waste, but EPA received too much push back from industry.

Update from CEJSC Chair

Scot Spencer said that we have new energy in the CEJSC. New Departments are represented and we have a lot of other new members from advocacy groups, public health interests, and local government. This new energy has brought a new charge to the CEJSC. The CEJSC is looking at how to be more proactive. We had Vinnie DeMarco speak at the March meeting on effective advocacy. We have written a problem statement and solution statement, and we are working on building a coalition to move the agenda forward on a larger scale rather than on a project specific basis. We are working to make Maryland a more environmentally just state. We need information and data to build our coalition. The lead dust bill passed this session, which will help Maryland reach its goal of making every child lead free.

Scot introduced our guest speakers and said that Living Cities is a group that works on change in cities. They are currently inserting biofuels into boilers in Baltimore City public schools and they are looking to expand the technology to all schools in Maryland. So we have invited Connie Lawston, of New Generation Biofuels, and Cordell Martin to speak to us today.

Presentation by New Generation Biofuels: Maryland's Biofuel Goals; followed by Q&A

Cordell Martin said that we need to look at the impact of air quality on the youngest people in society. Using biofuel should improve the air quality in school facilities.

Connie Lawston said that New Generation Biofuels is headquartered in Columbia, MD. The company does not currently produce transportation biofuel, they are focusing on biofuel for stationary sources like boilers. Compared to diesel fuel, biofuel significantly reduces NOx, SOx, and ash. New Generation Biofuel has a small carbon footprint and lower emissions than diesel fuel. Maryland is at the forefront of allowing more biodiesel technology, New Generation is not biodiesel it's different. The federal standard is that there should be 36 billion gallons of biofuel by 2022. There are many different kinds of biofuel on the market. The Maryland portion of the RGGI program is under development and recently WTE was added as a Tier 1 source. RGGI does not allow biofuels to be counted as a renewable source because of the food vs. fuel fight that was going on at the time RGGI was instated. EPA did a year long study on biofuels and found that biofuels do give off less GHG than fossil fuels. Connie encouraged other organizations to lean on the findings of EPA's study because it is very comprehensive.

Connie said that there are proposals to cut Ethanol funding; there is a V-tech excise tax credit for ethanol. Maryland seems well under way in terms of passing a law that allows many new kinds of biofuel on the market.

Calvin asked if they can talk more about biofuels in the school system.

Cordell said that Baltimore City schools are testing biofuels in school boilers this summer for implementation in designated schools this school year. From a business perspective Maryland is the state you go to for implementing alternative/renewable fuel.

Victoria asked if the school has a boiler that runs on diesel, do you need to modify it?

Cordell answered that you can use the same boiler container, you just have to modify it.

Victoria asked if you can co-mingle the fuels?

Connie said that you can co-mingle up to 30%.

Andy Fellows clarified that the fuel is not for trucks or mobile sources, but asked if it can be used for off road generators.

Cordell said right now it is for boilers and its cost neutral, but they do anticipate the ability to provide it for mobile sources. Biofuel is a healthy alternative to fossil fuel and can be produced locally from plants grown in Maryland and used by people in Maryland. University of Maryland is even potentially working on making switch grass into a fuel.

Dr. Lorne Garrettson commented that some school buses switched to biodiesel, why can't others switch? Do you know of any fleets converting to biodiesel? What is the supply chain in Maryland like, have farmers bought into it? How many biofuels are there?

Connie said that there are a lot of new fuels coming out, biodiesel is different. The school buses needed to retrofit their fleet for biodiesel. By law schools can blend up to 10% biodiesel with regular diesel. If you go above 10% comingling you need to do engine modifications. There are some studies that show NOx actually goes up from biodiesels and Baltimore already has a NOx problem from the jet streams. Farmers have caught onto the biofuels. Right now soybean oil has a high value and there is a biomass cap. They are giving aid to farmers for producing fuel crops.

Cordell said that the price for schools is cost neutral right now. The intention is to come to them with an alternative that is 99% biodegradable.

Bob Sklar asked if anyone was thinking about long term standardization for the various types of fuel?

Connie answered that yes there is standardization going on, but politics will play a role in what happens. The Biofuel Association is asking for resource neutrality in technology,

which means that all fuels would get the same subsidy and then the free market can determine which ones succeed.

Bob Sklar said an example that comes to mind is electric cars. It would be better if Nissan and Chrysler, for example, had the same type of plug to allow for a more compatible charging station infrastructure.

Scot asked if there is any data to support an advocacy movement for biofuels in schools?

Connie said yes, New Generation Biofuels has very detailed data on what emissions.

Biomonitoring and Other Children's Health Initiatives Update from Dr. Cliff Mitchell

Cliff stated that the EPA and CDC budget for 2011/2012 was cut. In fiscal year 2011 the funding for environmental health at the CDC was cut by 6% and in 2012 the lead/asthma funding was cut drastically from 35 million to 9 million.

Vernice said that EPA's budget for 2012 was reduced by 16% across the board.

Cliff said that there is no coordinated voice for environmental health at the national level which is very concerning. The advocacy community needs to start focusing on environmental health as a big picture item because infrastructure for environmental health on the state level is in danger of going away.

Cliff stated that the biomonitoring report is due to the legislature in June. If we have a biomonitoring study here we will probably do a pilot program to demonstrate the feasibility of it. We will potentially look at metals, mercury, arsenic, and pesticides. DHMH environmental epidemiology could potentially receive a 75% cut in funding, which would be bad.

Gregory Diette asked what is the block in funding?

Cliff said it's a mix of things. The decreases in funding, tax revenue, PIN counts and reduced federal funding. We need to start thinking globally, where do we go over the next five years?

Andy said that EJ communities will have reduced access to testing. This is potentially catastrophic to research because the government will have to choose between funding food and education or research.

Vernice said that the R&D branch of the EPA is looking at the disproportionate impact on health in EJ communities. Cliff could look towards them as a source of funding. EPA said the R&D will not be affected by the overall 16% budget cut.

Veronica said that there are two issues that she thinks the commissions should focus on advocating and advising the Governor on:

1. Definition of “green” in the COMAR regulations that were passed in 2009. There was “green washing” of the definition of green in the regulations.
2. Marcellus Shale and fracking has a great impact on everyone because it covers air, water and food. Garrett County rural populations are interested in this issue.

We could possibly have another joint meeting in September between the CEJSC and CEHPAC on how to address these two issues legislatively.

Jennifer Bevan-Dangel asked if Dr. Summers could come speak to the Commissions about where MDE is on the work with Marcellus Shale.

Dick Fairbanks asked if we could also invite Delegate Mizeur to speak on the issue, in order to try and build a coalition.

Cliff said that there is a biomonitoring pilot project at schools in Prince George’s County that is working on developing county level profiles. CSA’s vision is to do the profiles for the entire state.

Scot said CEJSC can write a letter of support for a grant application. We can also write a letter to Administrator Wells at MTA asking for information on the Kirk Ave Bus facility. The community is asking that the bus depot moves out of the area. Buses are running above the standard set by law. The community feels MTA has not responded.

Gregory Diette asked if the presumption is that the bus depot is bad, because bus depots are bad, or do they actually have evidence?

Scot replied that there has been some air monitoring and noise monitoring done by Johns Hopkins on the Kirk Ave site.

Vernice said that there is a tremendous amount of research on asthma being caused by diesel particulate.

Jennifer Bevan Dangel said that there is a rally June 17th in Hyattsville that a federal speaker will be attending. There is also an asthma disparities conference on June 28th.

Scot announced that Peter Conrad, from the Maryland Department of Planning, will speaking at the CEJSC June meeting on the Plan Maryland Proposal.

Adjourn

The next CEJSC meeting is scheduled for June 23rd, at 9:30 a.m. in Baltimore.

**Maryland Commission on Environmental Justice & Sustainable Communities
(CEJSC) Meeting**

[June 23rd, 2011]

In Attendance

Commission Members: Richard Fairbanks, Calvin Ball, Rebecca Rehr, Dianna Myles (for Senator Ferguson), Robin Underwood, Arabia Davis, Jennifer Bevan-Dangel, Vernice Miller-Travis, John Quinn, Matt Greenwood (for Delora Sanchez), Lisa Nissley

- Participants: Ryan Necessary, Julie O’Conner, Anna Asgari-James, Chris Beck, Abigail Pascual, Fred Schenerman, Amy Laliberte, Jeff Fretwell, Megan Ulrich

Introductions:

The meeting began with introductions from each person in attendance.

Commissioner’s Retreat:

Lisa informed the Commission of the new plans for the July Retreat. She asked if anyone had ideas about the Retreat.

Calvin Ball suggested that there be a theme that could set the course of items to be discussed.

There was an idea to invite someone from Connecticut to talk about how they are moving forward with EJ.

Dick Fairbanks mentioned the problem of over-fishing in the Chesapeake Bay, and it deserves special attention. He also suggested contacting Candace Thompson to speak about it.

Calvin asked if there was a memorable/ most productive Retreat.

Dick said the 2007 Retreat was the most productive.

Lisa said she would find the information on it.

Other Business:

Rebecca Rehr said that the Commission should take advantage of the Johns Hopkins and UMD College Park graduate students. We should give them a research project.

Calvin Ball suggested that we come up with six-eight research topics and give them to the chairs of the research students.

Rebecca said it is a good way to get data.

Robin Underwood asked how many people would be attending the CEJSC Retreat in July?

Lisa Nissley said it would be limited to twenty people max because it is limited to just the Commissioners. Possibly different Commissioners can run different parts of the Retreat.

Annual Reports:

Lisa said that she, Anna, and Megan have been working on the annual reports. The current annual report goes from September 2010- October 2011. We have been including presentations, and legislative interest items like the lead bill (HB1033), The EJ bill (SB752), and the fast track bill (HB474). We could use the Commissioners help to write summaries on coordination with CEPHAC, and work on EBD's, Millennium CCB permits, the CEJSC problem and solution statement, and moving towards a more just Maryland.

Calvin asked if there are old annual reports to read?

Lisa said that there are old reports online. The newest one is currently in the Governor's office for review, but she can send out a draft of it.

Dick Fairbanks asked if we did any community outreach last year?

Lisa said that she was not aware of any, but the Commission might have done some while she was on maternity leave.

Calvin asked if we can include anticipated future work in the report? For instance, can we offer feedback on Plan MD?

Lisa said a member or two can work on that.

Arabia Davis, Jennifer Bevan-Dangel and Calvin all volunteered to write Plan MD comments on behalf of the Commission.

Robin Underwood asked if we had included that Secretaries Roundtable in the annual report?

Lisa said that we had not yet, but that is a good idea. That is probably something we should consider doing annually because it could fulfill our role of giving guidance to the Governor's administration.

Robin said she agreed that we should do it annually.

Lisa reminded the Commissioners that Scot had given homework assignments that are due at the July Retreat. **We can re-send the problem and solution statement to anyone who needs it.** Rebecca is going to do a brief review for us now.

Problem and Solution Statement Review

Rebecca said in conjunction with some points in the problem/solution statement Commissioners should try to be really specific on what needs to change in Maryland. When Commissioners make suggestions, include possible places to get the data and specific people to talk to about the problem. Also, the Commissioners could work on an education model/teaching model, legislation packages, and a one-pager on guidelines for best practices. It would also be helpful to make bullet points on specific topic and include: a policy to promote, the potential for a political win, the impact of the proposed policy, and the specific potential partners/likely combatants.

Vernice raised the concern that we should not just focus on the potential for a political win, because some EJ policy is not popular.

Jennifer Bevan-Dangel said that the potential for a political win is something to keep in mind.

Lisa said that thinking about that doesn't stop you from moving forward, it is just something to keep in mind on how to move forward to promote the policy.

Rebecca agreed and said it can also be used to think about why something hasn't moved forward previously.

Lisa said that we now have a quorum and asked for approval of the May 2011 minutes.

Dick moved to approve the minutes.

John Quinn seconded the approval.

Vernice said that she missed the retreat discussion, but she would like to possibly invite someone from CT or EPA to come discuss their EJ policies.

Lisa offered to fill Vernice in on the retreat discussion after the meeting.

MDE EJ Initiatives

Lisa said that when she started at MDE two years ago the Harrington Bills had just been introduced and the Sheriff Road Pilot Project was initiated. Now that she has been here awhile she has started thinking about what the next steps for MDE should be in terms of EJ. She has met with over 30 people both internally and externally including someone from every MDE administration, half of the Commissioners and Secretary Summers. She has grouped the MDE initiatives into three categories: 1) incorporating EJ into the

permitting process 2) enhancing internal communication and initiatives 3) enhancing external communication and initiatives. We have thought about how we can reach out to each group. Of course in the current economic climate everything is limited by resources, but there are still things MDE can do now related to EJ. Secretary Summers feels that anything we can do to improve public health is a good thing and he is on board with the initiatives.

The first category is incorporating EJ into permitting. Some ideas we have are to identify best practices for businesses, such as holding public meetings. In conjunction with that idea we can call local government and get them involved at the meetings. Lisa spoke with Les Knapp and he is open to having MACO included in the initiatives, including sending the individual counties notices about the public meetings. Lisa said that we also need to work on getting some well written material on EJ into permit applications/and renewal letters and we also need to help communities get on the right lists so they know when the public meetings occur.

The second category focuses on internal communication at MDE. There is a possibility of forming an internal EJ workgroup, and holding trainings on EJ. Lisa is conducting an internal survey on things MDE already does that are related to EJ, but might not be under the EJ label. We also need to enhance communication between departments.

The third category focuses on external communication. We are going to start with the environmental advocates first because that group will probably be the easiest to reach. We will also start with the local governments because that could potentially be the hardest group to reach. MDE can start taking small steps on incorporating EJ now so that when resources are available we can take larger steps. For example, if we start having voluntary county participation at public meetings now, possibly down the road we can introduce a bill requiring county attendance. It will be easier to get the bill passed if we already have half the counties participating.

Lisa said that she would take early thoughts from the Commissioners now and then take more substantive comments at the retreat.

Jennifer said that when MDE thinks about the advocacy community, in addition to environmental advocates, MDE should also include the equity/faith groups. **She offered to give Lisa the names of connections in the equity and faith community.**

Calvin asked for some clarification on the connection between CEJSC and MDE.

Lisa said that the charge of the Commission, which we will review at the retreat, explains the relationship but an example would be that Vernice or Jennifer would do research and bring it to the Commission with recommendations on how MDE or the State can better incorporate EJ.

Calvin asked if that would be in the form of a one-two page specific summary?

Lisa said yes, that would be a great way to make suggestions.

Dick said that he likes the idea of moving forward on EJ.

Vernice said she feels like maybe the Commission needs a refresher on EJ 101- a basic interpretation of EJ. There is 25 years worth of research out there; we just need to access it. Scientific work has been done on critical areas in the Eastern Shore, which is a unique community. NEJAC has recommended that the EPA integrate EJ into permitting, but the EPA only handles 4% of environmental permits, the other 96% are handled by the states. EPA is currently out of compliance with Title VI which says that “you can not discriminate against people”. We need forward momentum on this Commission. I like that Lisa and Scot have a new trajectory to take us to a different place. We have the research; we just need to apply it to MD.

Lisa said that she agrees and that is along the lines of what she is asking the Commissioners to do. If the Commissioners can divide up the pertinent issues and then offer specific suggestions on those issues that would be very helpful. She said that MDE could potentially host a permit writers/inspectors forum in the fall for MDE employees and businesses.

Chris Beck said that incorporating EJ at MDE is a perfect idea for the next leadership development group to tackle.

Lisa said that would be a great idea.

Fred Schenerman said that there is a GIS group that could possibly work on creating an EJ GIS. There is a Mid-Atlantic GIS group compiled of businesses, governments and communities that could possibly help us.

Lisa said that the Commissioners can reach out to people, that is still within their charge to talk to outside groups.

Arabia asked if the Commissioners could go talk to the Sustainable Growth Commission?

Vernice said that she and Scot presented to a Federal Smart growth working group at EPA on incorporating EJ.

Jennifer said that she feels the hardest part of actually incorporating EJ is moving from the broad overarching principle of “include EJ” into specific action steps to reach that goal. Vernice has so much experience working on EJ; perhaps she could list five EJ goals and tell us the action steps to achieve those goals.

Vernice said she would like to work with internal groups at MDE such as permit writers, GIS programmers and inspectors.

Lisa said she thinks another problem with incorporating EJ is that MDE employees are used to black and white scientific data. EJ is different, that is why an EJ checklist might be a good idea.

Robin asked if MDE has a Title VI coordinator?

Lisa said that she was not sure. No one currently has that title, but with the re-organization and drop in PIN count there is probably someone who has taken over those duties.

Rebecca said she is currently working on NEPA documents where she is putting in Title VI requirements.

Robin said that Federal agencies must incorporate Title VI.

Vernice said that in order for MDE to give federal money that they receive they get delegated authority from EPA. Federal agencies do not implement Title VI, which is a violation of the law. If the Federal agencies don't do it, how can they expect the states to do it? The Transportation sector is where most people have had success with Title VI implementation. Unfortunately, it was often enforced after highways obliterated whole communities. Things that require the states to implement Title VI are coming down from the Federal Government.

Arabia said that Title VI is integrated throughout EJ language.

Rebecca said that the NEPA document she is working on is a two-page EA. It is helpful to see what the Federal language is and how the different Federal Agencies approach it.

Announcements:

Vernice said that August 23rd-26th is the National EJ Conference. This year will be focused a lot on Detroit and shrinking cities, which is the inverse of smart growth.

Adjourn

The next CEJSC meeting is the annual Commissioner's Retreat. It is scheduled for July 28th, from 9 a.m. to 4 p.m. in Howard County.

Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting

Annual Commissioner's Retreat, July 28th, 9 a.m. to 4 p.m.

Howard Community College

In Attendance

- Speakers: Dr. Kate Hetherington (HCC President), Kathy Kinsey (MDE Deputy Secretary), Stephanie Cobb-Williams (Assistant Attorney General, MDE), Charles Boyd (MDP)
- Participants: Scot Spencer, Lisa Nissley, Calvin Ball, Delora Sanchez, John Kotoski, Rebecca Rehr, Arabia Davis, Dick Fairbanks, Vernice Miller-Travis, Jennifer Bevan-Dangel, Cliff Mitchell, Robert Sklar, Alannah Myles (for Senator Ferguson), Robin Underwood, Karen Forbes, Terri Brooks, Megan Ulrich, Anna Asgari-James, Stephanie Cobb-Williams, John

Greetings: Dr. Kate Hetherington, HCC President

Dr. Hetherington greeted the Commission and presented on sustainability efforts, at HCC. The school implements efforts through the Facilities & Sustainability Team (FAST) and aims to make “going green” a learning process for the students, so they can take the knowledge home. Examples include efforts such as pulling invasive species from plants, participating in dumpster dives to find recyclable goods, and maintaining a sustainable garden. HCC utilizes rain gardens, rain barrels, big recycling bins and small trash tins, an electric bus, paperless meetings, and sustainability progress tracks. They switched their cleaning products; they clean their floors with iodized water, which has no hazardous effects. The main goal is to reduce their carbon footprint.

Introductions:

The retreat began with introductions from everyone who was in attendance.

Check-in with the Administration: Kathy Kinsey, MDE Deputy Secretary

Deputy Secretary Kinsey spoke to the Commission about EJ efforts, which are a priority for MDE and the Administration. She pointed to the Lead Risk Reduction Program as a successful public health and EJ effort. There has been a 98% reduction in childhood lead cases after an outreach program to educate all stakeholders. Another example of including EJ is the Green House Gas (GHG) Reduction Act, which requires the state to develop a climate action plan to reduce GHG by 25% from 2006 levels by 2020. The law specifically stated that the plan may not disproportionately impact minority

communities. The state has also gotten involved on the Federal level, supporting the Toxic Substance and Control Act (TSCA). Pending legislation includes a provision to require EPA concentrate on disproportionately impacted communities called “hot spots.” Addressing hot spots would be a unique effort and could have a huge impact if enacted.

Deputy Secretary Kinsey pointed to some of the challenges of addressing EJ including incorporating EJ into permit programs, the historical role of local governments in zoning, and the technical nature of cumulative impacts. Right now budgeting is a major challenge, MDE is at its lowest employee count since it was created despite significant increases in responsibilities; the budget will be cut again this year. She also said it would be helpful if EPA could lay out a national plan for incorporating EJ into permits. She credited Lisa Jackson of the EPA for getting the ball rolling on EJ issues. She concluded by saying that the CEJSC is a diverse group of people, and she it would be extremely helpful to hear specific suggestions from them about these issues to assist the Department in addressing these challenges.

John Quinn gave an example of a successful project from Constellation that ended an ammonia problem in the community.

Calvin said there is a problem of responsibility between the fed and local governments. The question to ask is what is best for the community. He said the 4 entities should work together (State, Federal, and Local government, and the Community).

Deputy Secretary Kinsey reiterated that zoning and land use are not under MDE’s control. Those things are already decided by the time it gets to MDE so it is important to work together. She also said that local governments should go to the permit meetings because they know the needs of the community.

Calvin pointed out that sometimes the worst offenders do a good job of playing government and the community against each other.

Rules of Engagement

Scot went over the Rules of Engagement:

7. Please show respect to your fellow colleagues by not interrupting them or assigning motive to comments. We want a free and open discussion.
8. Make sure what you say is relevant. In other words – don’t beat a dead horse.
9. Be brief when speaking. No pontificating.
10. When there is disagreement, listen, clarify, and then reconcile. Creative tension is a good thing.
11. Come prepared with research and solutions.

12. Remember have fun!

He said they're a great way to rethink and retool the discussion. We are not DC. We can have disagreements and still be respectful of one another.

Calvin said suggested number two be bifurcated to make brevity and relevance two points instead of one.

Scot said they will go over these rules periodically to remind everyone.

Charge of the Commission: Stephanie Cobb Williams

Stephanie Cobb-Williams reviewed the charge of the Commission and commented it is a good time for EJ because there is federal and state will.

The Charge of the Commission: The CEJSC shall advise State agencies on EJ by completing the following duties:

- Advise State government agencies on EJ.
- Analyze the effectiveness of State and local government laws and policies to address issues of EJ and sustainable communities.
- Coordinate with CEHPAC on the issues of EJ and sustainable communities.
- Develop criteria to assess what communities in MD may be experiencing EJ issues.
- Recommend options for addressing EJ issues to the Governor and the General Assembly; include prioritized areas of the State that need immediate attention

The door is open for CEJSC to have a major impact on permitting and MDE or any state agency that would be relevant to the Charge. The role of the CEJSC is to bring expertise to work with each other. The CEJSC is codified in the environment article and it explains the designation of members and duration of staffing along with the MDE staff to assist. The duties of a Commissioner are to mitigate EJ issues, review and assess the advocacy of state and local laws, reach out to other agencies – zoning and others – and engage them in discussion, and assisting citizens to use your expertise

Applying the Charge: Methods of Implementation

Scot said that the CEJSC is created by statute, the CEJSC is an instrument of the state, but we are not the state. Part of our charge is to help the state find new ways to work, so that gets us to how we go about doing our work. We have a great diversity of people on the Commission. Rebecca Rehr will now talk about different ways to look at our charge.

Rebecca Rehr said that the CEJSC is going to do an exercise on methods of implementation for the Commission's charge. There are notepads on each table with one bullet point of the charge listed at the top. We want everyone to write down specific items on how we implement the charge.

MDE Initiatives Feedback

At our June meeting Lisa reviewed efforts at MDE to better include EJ in the Department's work and improve communication with stakeholders. Lisa has continued her meetings with various stakeholders and has met or spoke with almost every member of the Commission individually for their input. In light of the discussion on the charge of the Commission she asked for feedback on the plan.

Calvin Ball said consider reaching out to Economic Development Authority in each county; they can give insight and direct us to reasonable business owners that would be open to the effort and have suggestions.

Jennifer Bevan-Dangel said it could help to brainstorm initiatives with the Commission as a whole or in small groups. Lisa agreed that way she is getting more than just an MDE perspective. To date she has met with about 40 people.

Jennifer Bevan-Dangel said she would help with MDE workshops as well.

Lisa said that we should pick a format for the workshop because knowing the format in advance would be helpful. We should also prioritize the ideas reached during a brainstorming session.

Vernice said that incentives for businesses are a good thing. A selling point for businesses is that if they address public concerns at the beginning of a project, it could be a lot less costly and save time during the permitting process.

Bob Sklar said MDE should prepare a group of case studies of businesses that have been successful in reaching out to the communities. We can also pick 5 or 6 incentives to show businesses.

Lisa asked Bob to suggest those businesses to MDE that he knows to have been successful.

Cliff Mitchell spoke about the EJ and health symposium from last year. Framing an issue as EJ is putting it in a box. He said we could reach more people by getting them to think about it intrinsically prior to putting it into a box. Don't mention EJ specifically, instead ask businesses to think about these questions: what is the health of underlying community; what will your business contribute to this community; does putting your business in this community give you an advantage? From a business point of view, there may be trade offs for the local community. The goal is to get people to do a health

impact assessment, with out them realizing what they are doing. Basically you are creating an EJ checklist, without calling it an EJ checklist.

Dick said that he agrees that we tend to put EJ in a box.

Vernice said that we should not dilute the definition too much because then it has no meaning. She said that there is a lot at stake, if we define EJ too narrowly people pay for it with their lives; however if we make it too broad, people miss the point. The trick is to strike the sweet spot.

Scot said how do you combine an environmental health issue with EJ issue and have constituencies move on it?

Stephanie Cobb-Williams said that the statute has defined EJ for the CEJSC. The CEJSC can choose how to implement the definition to some extent, but that is the definition they have to use.

Lisa said we should use that definition, but the CEJSC still needs to think about how to relate the definition to specific audiences. You have to talk to people on a level that is meaningful to them. You have to consider the group and you don't say the same things to each group.

Karen Forbes said she agreed with Stephanie, whatever the statute says EJ is we should use that as a Commission so we are all on the same page. Then we can add some leeway when we explain EJ to our specific audience. That way we can use the statute to our advantage. We as a CEJSC can decide what our talking points are going to be.

Stephanie Cobb-Williams said everyone deserves protection from environmental issues.

Cliff Mitchell said that one of the differences between where the conversation was five years ago, and where it is now is that we now have more tools to evaluate economic and health issues. We have not directed the agencies to make those differences explicit and show us a picture of those impacts. Local government could use that data in zoning. We need to make the agencies/legislature show us the data.

Arabia Davis said we need to figure out what needs to change at each state agency. We should undertake an individual survey of each agency, and ask the agencies what they are doing that is related to EJ.

Lisa said that we are creating an internal survey of each administration at MDE.

Arabia Davis said that each agency should also discuss EJ at senior staff meetings, leadership groups, and with middle management.

Vernice said that other states like Connecticut, Illinois, and New York have established EJ goals for permit reviews. When a permit writer looks at a permit application they look at an EJ checklist.

Calvin said we should pick one jurisdiction, talk with the planning director, and observe how they integrate EJ. In Howard County, before they undertake any zoning they have to look at 10 questions. We could use that as a model for other jurisdictions.

Robin Underwood said that the NEPA process for transportation would be a good model for EJ.

Rebecca said that Council on Environmental Quality CEQ has some useful, but outdated information on how to incorporate EJ into NEPA.

Scot said that we should lead with the definition of EJ, and then add data and facts. There are disparate impacts and we need to create a situation where everyone enjoys the same rights and benefits.

Lisa said that MDE's initiatives are an ongoing process, so the Commissioners should feel free to contact her with additional comments. She asked for 2-3 people to work with her on an EJ 101 presentation for the EJ internal workgroup. Karen, Vernice, and Rebecca volunteered to help.

Jennifer Bevan-Dangel said that environmentalists typically do a terrible job talking about EJ and other issues, but there is a local government document that is a good example of messaging that she will send to the group.

Vernice said that the impetus for EJ on the federal level is due to the President and EPA Administrator Lisa Jackson. There is now a dynamic energy at EPA to do the most aggressive things that they can do in relation to EJ. She said that the President's administration has demonstrated a level of personnel commitment. She has never heard Governor O'Malley talk about EJ. The Secretary of MDE should give a charge to MDE employees.

Lisa said that Secretary Summers has spoken to Senior Staff and told them to work with Lisa and designate employees to help with EJ efforts. He is serious about the importance of EJ at MDE and he is supporting the internal initiatives

Vernice said that she was glad to hear that.

Scot said that Kathy Kinsey also acknowledged the importance of EJ to MDE.

Stephanie Cobb-Williams said that in future reports, the CEJSC can give suggestions to MDE's internal workgroup. From a legal perspective MDE statutes are public welfare statutes, so EJ could possibly be incorporated through that direction.

Brainstorming: Action Items

- Jennifer Bevan-Dangel: Align “charge” idea with action items
 - Vernice: raise integration with other agencies
 - Cliff: schedule commission meetings at each department
 - Going to them might be better for us
 - Lisa: I don’t want them to talk; I want us to talk. Our job is to advise – so advise
 - Bob Sklar: Employ SMART outcomes
 - Come to them (agency) with an agenda that’s important to them
 - Robin: Seek to grow EJ liaison w/in each agency, work to educate and develop workshops to advance EJ SC principles virally through departments and State House
 - Vernice: help folks meet their Title VI obligations
 - Rebecca: going to conferences; there organizations that are hungry for EJ data
4. Practice changes SMART techniques in engagement with agencies and locals
 5. Building a community of practice with other State agencies and local governments
 - Plan MD – Arabia, Vernice, Jennifer Bevan-Dangel, Calvin
 - MDOT
 - Howard Co (?) – Calvin and Lisa
 - Business outreach – Lisa, John, and Dick
 - Fine-tuning MDE initiatives
 - Academic community – Rebecca and Calvin
 6. Development of guidance documents/ best practices, share, and educate as the experts on EJSC matters

- Public Outreach – Jennifer Bevan-Dangel
- Case Studies – Rebecca
- Outreach to advocates – Jennifer Bevan-Dangel and Andy

Vernice: suggested finding replacement for Commissioner by looking in western MD and southern MD

Problem and Solution Statement

Jennifer Bevan-Dangel said how do we create the change we want to see in the world?

Stephanie said that CEJSC only has the authority given to it from the statute.

Bob said we should tell agencies to reach out to local community groups; then at the end of the year take a look back at what has been done.

Scot said that if we can't do all 6 of the steps, then which 2 or 3 can we do? We're not going to lobby; we're not a C4; we should ensure every Marylander has access to EJ.

Bob said that maybe which steps to take is not for us to decide, but rather we can put all of them out there and tell them bring it to us. It'll tell us where are priorities are.

John K said that people aren't going to MDE; they're going to their local governments.

Calvin said that it's the communities that don't have that power to organize and go their government's agencies that we need to reach.

Rebecca asked if there is a way for us to have an interstate coalition; local is not defined by state lines.

Vernice said that EJ issues are being exported out of states, i.e. transportation of trash out to other states. We need to get rid of our waste better.

Scot said that zoning and cumulative impact burdens are issues.

Cliff said that there was the Sheriff Road project. Do either zoning or permitting offices take into effect the health and history of impact?

John K said one issue is where are we going to put everything, it has to go somewhere. I don't want it next to me and you don't want it next to you.

Rebecca said that some of the stuff we're saying is stuff we said before.

Karen Forbes: said that we should have some foresight into where we are putting toxic substances. Vernice said that EJ communities get the burdens, but not the benefits. We need to make sure they're giving communities the right information.

Annual Report Review

Lisa said that we drafted the annual report and sent it out for comment. She said that Dick responded with some comments and asked if anyone else had feedback?

Vernice said we should mention NEJAC and our participation in it. NEJAC is related to representing a state EJ group. She commented that we need to make EBD's a real priority.

Lisa said the CEJSC already gave suggestions on EBD's in the December minutes and that MDE is moving on them.

PlanMaryland Overview

Charles Boyd thanked everyone for the opportunity to make a presentation. He distributed a progress report that summarizes the work on PlanMaryland for the past three years. In April they released PlanMaryland for public comment. They have already received a lot of comments, so they wrote the progress report because they wanted to respond to what they have been hearing.

He went through a brief summary of PlanMaryland. PlanMaryland is a diverse state development plan for land use issues and transportation. It is designed to help state agencies, local government, and the private sector work together better.

PlanMaryland is needed because it is estimated that one million new residents will be coming to the state. We will have an increased development rate and we need to balance that with protecting farmland, natural resources, the Bay, reducing automobile dependency, increasing access to transportation, concentrating jobs in close proximity to housing, recognizing housing affordability problems, and minimizing land consumption outside priority funding areas (PFAs).

There are three desired public outcomes to the plan. The three goals are growth, preservation, and sustainability. The keys to success are managing critical resources necessary to sustain growth and increasing coordination efforts. Designated places are also a key element of the plan. There are five identified areas that encompass the goals of growth, revitalization, and preservation. There are draft policies in the plan that are intended for the state implementation strategy. We also want to maximize state investment. We already have contacts in key state agencies to promote smart growth and development. The final policy plan is due to the Governor in October, 2011. We look forward to working with you and building on the plan as we move forward. Are there any questions?

Bob asked why the land is being developed at two times the rate of housing units and three times the rate of population growth.

Charles Boyd said that there are more single person housing units being built. It is also a combination of a lot of things, such as, the average square footage of a house has doubled since the 1960's, the lot size has increased, commercially we now have stand-alone business parks. We as a society use more land.

Bob said what is worrisome is that each line is linear, yet smart growth was introduced 15-20 yrs ago.

Charles Boyd said that even though PFAs were established in 1997, some would argue that we are just starting to see the effects now. Also, some would argue that the PFAs have not worked well. MDP is trying to do better with planning. In the past few years the economy has slowed, when the economy comes back then what do we do? The younger generation now wants to live in the city. We do not have an exact science on which way development will go, but we need to try and plan for it.

Vernice said that currently the plan is based on a voluntary process, has anyone thought about the fact that being voluntary is a problem? Smart growth involves trying to bring people back to the city, but it also has the effect of raising rent and displacing current residents, without making anything better for them. Where do you think EJ is already in the plan and where is the room to put it?

Charles Boyd said that there is a set of EJ policies with different state agencies, but that they are not very accessible to the public. He is hoping MDP can develop a series of policies as guiding principles so that EJ is at the forefront of the process, not an afterthought. That gets into the issues of displacement/gentrification. Gentrification isn't always bad, but it has to be coupled with affordable housing. The United States is a capitalist country; people only invest if they can make money. We have to create economic housing opportunities. Another issue is that locals make building permit decisions; they feel that the state is taking away their authority and they are not happy. We need to partner with them to be successful. PlanMaryland is based around incentives, not regulations. If it doesn't work and the only way to solve the issues is through regulations, MDP will move to regulations.

John K asked how PlanMaryland resolves the issue of home prices.

Charles Boyd said that if we center development in existing communities, then we won't have to add infrastructure, power, and utilities. Increasing units around the community create a more equitable housing market and increase mixed income housing.

John K said that he is in the building industry and 25% of the cost of construction is in regulation, and the new proposed septic initiatives will further hurt development.

Charles Boyd said that he is not here advocating for the septic bill, but if it goes through MDP needs to focus on financial incentives, we don't want to kill the TDR in Caroline County with a septic bill.

John K said that developing in revitalized areas and smart growth are good things, but smart growth has also been hampered by the total maximum daily load (TMDL) requirements of stormwater regulation.

Vernice said that this could be a conversation around the WIP, an unhealthy bay means the whole state will suffer; there has to be a way to balance all interests. The CEJSC would like to have all the interests balanced together.

Charles Boyd said that chapter 6 in PlanMaryland lays out a structure for management and oversight.

Dick asked how we can get comments to him as Commissioners and individuals.

Lisa told Dick he could give his comments to Calvin, Jennifer Bevan-Dangel, or Vernice because they would be submitting the letter on behalf of CEJSC.

Vernice also told Dick that PlanMaryland is taking individual comments from Maryland citizens. She thanked Mr. Boyd for his presentation, and thanked Lisa, Rebecca, Anna and Megan for their work on the retreat.

Adjourn

The next CEJSC meeting is scheduled for September 22 at 9:30 a.m. in Baltimore.

Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting

**September 22nd, 2011, 9:30 a.m. - 11:30 a.m.
Baltimore, MDE**

In Attendance

- Commissioners: Scot Spencer, Vernice Miller-Travis, Bob Sklar, John Quinn, Rebecca Rehr, Lisa Nissley, Caroline Varney-Alvarado, John Kotoski
- Participants: Bill Paul, Ed Dexter, Nadine Jackson-Bey, Megan Ulrich

Introductions: The meeting was started by introductions from everyone in attendance.

Lisa started the meeting by announcing that MDE has a new Deputy Secretary named David Costello. She also updated the Commission on the MDE EJ Internal Workgroup meetings. At the first meeting the group got up to speed on EJ basics and at the second meeting they started to tackle EJ issues in the permitting process. Among other ideas, the Internal Workgroup had a discussion about training MDE to speak at public informational hearings. Kathy Kinsey and Lisa are participating in a workgroup of state agencies for EPA's Plan EJ 2014. They are getting an idea of what the EPA is talking

about. Rebecca helped Lisa with the EJ exercises. Lisa and Vernice have been having discussions about developing an EJ guidelines document.

Bob said that Toastmasters is a group that could be good for public speaking training. He also said that Dale Carnegie courses are very good, but expensive.

Scot asked what MDE permit meetings typically have a higher turnout.

Ed Dexter said that sometimes solid waste public meetings can get up to 400 people, but that the usual attendance number is about 40 people.

Bill Paul said that only 10% of Air Quality Permits are eligible for a public hearing. Out of those 10%, about half the time no one shows and then sometimes you get 200 people. Crematories generate the most interest.

Ed Dexter said that some people think that EJ applies to \$600,000 houses.

Bill Paul said that speaks to the difficulty of establishing what an EJ area encompasses.

Lisa said that most likely when you are defining an EJ area you are either going to over identify or under indentify.

Nadine asked if it would help to talk to community organizations.

Lisa said that our resources are limited, but we would like to do educational outreach.

Bill said that in Pennsylvania they only apply EJ criteria to major stationary sources, in Maryland that would only apply to 2-3 permits a year in air quality. The criteria is still lax and in the initial stages.

Lisa said that we should collaborate as much as we can with the counties on EJ.

Ed said that when he looks at a permit he only can look whether the business is zoned appropriately and in regulation. He can not look at the cumulative impacts, because it is not in his purview.

Lisa asked if we could ask business to consider zoning and where they locate.

John Quinn said he doesn't think that would work, because businesses are going to go wherever they are zoned and wherever the cheapest legal site is located.

Lisa said that Karen Forbes and Cliff Mitchell sent her information on an EJ issue at their agency. Lisa also reported the Robin Underwood has reached out to other agencies to locate who does their Title VI and/or fair practice coordination. Robin also suggested possibly having a Title VI speaker at one of our CEJSC meetings.

Rebecca said that we could possibly invite other people from outside the CEJSC to attend a Title VI workshop as well.

Scot said it could be something to invite other state agencies to as well, as long as we approach it from an educational outreach standpoint.

Lisa said that could fit into our charge under “advise state agencies”. She suggested possibly holding the Title VI workshop during a brown bag lunch for our December meeting.

John Quinn asked if we can foster more communication between emails. He asked about having weekly article emails.

Lisa said that people can send her articles if they come across it and we can include that in weekly emails.

Bob asked how we can focus so we have an impact. We can get involved in local zoning and find out when the local zoning plan of each jurisdiction is revised. Right now those hearings are heavily attended by developers and the result is that they are not always balanced.

Bill Paul said that we have no jurisdiction over how land use is being used. People should be getting involved with the zoning at the county level.

Scot said that Vernice, Arabia, and Karen worked on providing comments for PlanMaryland.

Vernice said that they recently had an election in Prince George’s County and passed a bill that requires developers to look at potential health impacts. There was another bill that was proposed to build in public safety to development considerations. Why can’t they look at environmental protection as well?

John K said that being a developer is already pretty hard. Be careful not to over regulate the industry.

Bob said that it is just a matter of bringing a judicial balance to zoning. That way MDE can just look at the permits and EJ issues are addressed in zoning, so it is a benefit for everyone.

Vernice said that Connecticut’s developers said that addressing EJ issues in the beginning cut down the time for them to get a permit.

Scot asked if we have case studies of EJ success stories in Maryland.

John Quinn said that the Constellation fly ash facility is a good case study. Constellation looked for a site; they were approached by environmental groups. They had a year dialogue and Constellation agreed to additional requirements.

Lisa asked if we can use the Constellation fly ash facility as a case study.

John replied yes, he said Constellation also did another project where they used urea instead of ammonia in their catalytic convertors per a community request. He said the technology was push a bit and it doesn't work quite as well as ammonia. He said that there is not a blue print for community interaction, but he thinks there are some good things that came out of the agreements, especially the fly ash facility.

Ed Dexter said that even small businesses can be successful in working with the community. When businesses expand a facility it levies some concern if the community likes the business.

Caroline mentioned Sustainable Maryland which is a certified program for municipalities. It established green teams for the municipalities. This should be on their purview.

Scot asked John Kotoski is he was active in ULI?

John said not really, but PlanMaryland was in Easton as part of a committee and ULI and developers gave PlanMaryland an earful on the inconsistency of regulation that occurs in the state.

Scot said that he thinks that there is some value in engaging with ULI. We need to be in the conversation to make something happen.

Lisa reported on her work with Calvin Ball on using Howard County as a model for local jurisdictions. She has had conversations with MACo and MML and they are open-minded about collaborating with MDE and the CEJSC. MACo and MML members need a basic idea of what EJ is, how it dovetails with zoning and examples of best practices, etc.

Ed Dexter said that there is a case study from Prince George's County on Class III fills. Dust, truck traffic, and noise are big issues from those sites. An EJ sub-committee of the PG County zoning board decided to only allow new clean fills to be created outside of a 5-mile radius of any existing fills.

Lisa asked if the zoning board and county council are the same in PG County.

Vernice said she thinks that the zoning board is a subset of the county council.

Scot said that PlanMaryland was revised on September 7th, 2011.

Vernice said that they met with Arabia and discussed editing some of the language in PlanMaryland to reflect EJ. Since then Arabia said that MACo has asked PlanMaryland to make the document more focused and smaller. She asked Lisa if PlanMaryland can come back to speak to the Commission again before they finalize the document. She thinks that the important thing is that EJ should be infused throughout the document, not just mentioned in a few sentences.

Scot said that he asked Vernice to provide as much citation, and data references to PlanMaryland as possible. He said that we should define the words we use in the suggestions. He thought the additions were good.

Lisa said she thought it would be more useful to have a conference call with the PlanMaryland staff outside of the Commission meeting. That way, Commissioners who are directly interested can participate. She said that she would talk to Arabia about it.

Scot asked the group working on guidance documents and business outreach to give their report.

John Quinn gave the report for the group. He said that they had some trouble agreeing on their mission. They framed the issue as “initiate and facilitate initial dialogue to engage business community on EJ”. They need products and they would like help from the CEJSC on creating a two-pager for businesses. They would potentially like to hold a meeting with businesses to address EJ, but they would suggest utilizing an incentive for businesses to attend the meeting, such as a speaker that they would like to hear.

Scot asked if John thought that the speaker should be a leader from EPA or Maryland.

Vernice suggested asking Sue Briggum, Vice President of Federal Public Affairs at Waste Management. She is a leading voice nationally on business and EJ and she is a NEJAC member.

Caroline asked if the meeting would be geared to small or large businesses.

John said that they would invite a broad spectrum of businesses. He said that there is a chamber meeting with Secretary Summers that is coming up and that would be a good time for Secretary Summers to endorse the proposed meeting. He also suggested that Sue Briggum sounds interesting, but maybe a more high profile speaker (Elijah Cummings) could introduce her to the crowd.

Bob said that the invitation should probably come from the chamber instead of MDE. He also said that DBED could be involved and potentially host the event. He said that he emailed his DBED colleagues to ask for win-win case studies but the only one that he received he could not use.

Caroline offered that DHCD could help with the meeting as well.

Lisa asked what the ideal timeline for the meeting will be.

John said mid-December or May. Not during session.

Rebecca then gave her report on outreach to the academic communities.

Vernice suggested that she contact Dr. Andrew Kidd Taylor at Morgan State University and Professor Sherrilyn Ifill at the University of Maryland School of Law.

Lisa also said that she had a name of a professor for Rebecca to contact and Megan offered to give Rebecca information about a possible EJ at the law school.

Rebecca said that Dr. Sacoby Wilson is now here advisor and that they are working on building an EJ academic course at Maryland. She is collecting case studies and doing a lot of library building that she can share with the Commission. She also mentioned an EJ in zoning article that she forwarded to the Commission. She said that she and Jennifer Bevan-Dangel are working on integrating the charge and problem/solution statement.

Scot thank everyone for their reports and said that he realized in listening to everyone that we seemed to have left out the voice of the community. We should really reach out to Dr. Sutton and Interfaith Power & Light.

Bob said that a list of contacts would be really helpful for everyone to have.

Lisa said that she agrees, but it is hard to compile lists like that because positions are always changing.

Scot said that the Chesapeake Trust Board has a contact list, maybe we could build from that list.

Vernice said that she and Scot attended the NEJAC conference in Detroit. They participated on a toxic tour of impacted communities and during the tour there has a huge toxic release, so that made it especially interesting and significant. Maryland had a presence there and there were some pretty explosive Title VI conversations. Scot presented on demolition protocols in East Baltimore. Detroit is focusing on shrinking the city.

Scot said that there is a lot of interest in demolition protocol and resident protection standards which will allow the protocol to move forward on a larger policy level.

John Kotoski asked what Title VI was.

Vernice said that Title VI is part of the Civil Rights Act of 1964. Any entity that receives federal money must comply with it. The EPA is currently out of compliance with it.

Scot said that we can bring agencies to the December meeting to discuss how to implement Title VI.

Vernice reminded everyone that the next EJ conference will be held in Albuquerque, NM from October 25-26.

Adjourn

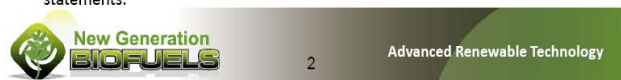
The next CEJSC meeting is scheduled for [October 27, at 9:30 a.m.] at [MDE, Baltimore, MD].

Appendix C: Presentations



Forward Looking Statements

This presentation contains forward-looking statements. These forward-looking statements concern the Company's operations, prospects, plans, economic performance and financial condition and are based largely on the Company's beliefs and expectations. These statements involve known and unknown risks, uncertainties and other factors that may cause actual results to be materially different from any future results expressed or implied by such forward-looking statements. The risks and uncertainties related to our business, which include all the risks attendant an emerging growth company in the volatile energy industry, including those set forth in the Company's Annual Report on Form 10-K for the year ended December 31, 2009, filed with the Securities and Exchange Commission (SEC) on March 26, 2010 and in subsequent filings with the SEC. These forward-looking statements are made as of the date of this presentation, and the Company assumes no obligation to update the forward-looking statements or to update the reasons why the actual results could differ from those projected in the forward-looking statements.



Company Overview

- The NGBF develops, commercializes and markets renewable biofuels for diesel fuel applications such as power generation, commercial and industrial heating and marine transportation.
- NGBF's biofuels:
 - are made from non-edible, multiple feedstocks and commonly available additives,
 - significantly reduce NOx, SOx and carbon emissions,
 - can be used as a 100% replacement for diesel fuel, and
 - can typically be used without significant equipment modifications.
 - can be used as **liquid biomass**: a green fuel option for Industrial Boilers and Heating Applications
- Regulatory landscape enhances value: new federal regulations impose costs on use of fossil fuels, *i.e.* EPA limitations on greenhouse gas emissions from fossil fuel-fired electric generating units; annual tonnage limits on carbon equivalent emissions.
- The Company is headquartered in Columbia, MD, with a biofuel production plant in Baltimore, MD.



Advanced Renewable Technology

Technology

We use a simple, precise, additive blending process to create a stable emulsion of a feedstock, water and proprietary additives.

- Feedstock flexible - can use a wide variety of feedstocks.
- Small plant footprint - 25 MGPY capacity plant would use < 15,000 sq. ft.
- Low CapEx requirement (approximately \$0.20 - \$0.40 per gallon of capacity).
- Very low energy consumption per gallon produced.
- Co-locating on a customer's facility to take advantage of existing infrastructure is a viable option; reduces costs.



4

Advanced Renewable Technology

Production Process Advantages

- Production process is a precision blending or emulsification process with high energy yield:
 - Low production costs
 - Energy required is only 11Wh – 47Wh per gallon
 - No significant by-products, wastes, emissions or discharges, so "BTU yield" of process is greater
- Small plant footprint, production can be located to leverage existing storage and transportation infrastructure
 - 50mm GPY could sit on <20,000 sq. ft., excluding storage and logistics
 - Significantly lower capital costs vs. alternatives
 - NGBF Plant capital costs are estimated at \$.20 - \$.30 per gallon of annual capacity (excluding storage and logistics) *i.e.* 50mm GPY Plant Capex ranges from \$10mm - \$15mm
- Feedstocks can be easily interchanged
- 50mm GPY plant can be operated with no more than a team of 4 people per shift



5

Advanced Renewable Technology

Comparison to Fuel Oils

- In comparison to fuel oils, NGBF fuels have
 - Reduced NOX emissions
 - Lower ash
 - Much lower sulfur
 - Higher lubricity
 - Better low-temperature flow properties
 - Different flash points
 - Lower energy content/gallon



Advanced Renewable Technology

6

Field Tested and Commercially Proven



The product

Cleaver Brooks boiler



Filter comparison

GE Gas turbine



Advanced Renewable Technology

7

Boiler Applications

NGBF's biofuel is being used in a series of boiler applications including:

- Cleaver-Brooks fire-tube boilers
 - 150, 200, & 500 HP
- Babcock & Wilcox utility steam boiler
 - Light off and flame stabilization
 - Steam plant for electricity generation

Convert with simple tuning or minor equipment modifications

Main results were:

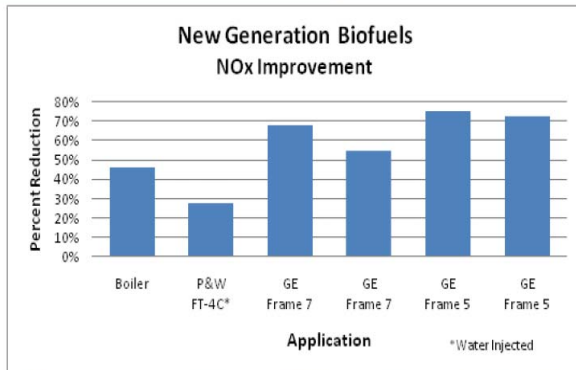
- SO₂ essentially eliminated
- 40% - 74% reduction in NOx emissions
- Very good ignition and combustion stability



Advanced Renewable Technology

8

NOx Reduction Advantages by Application

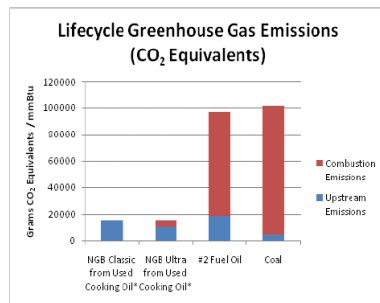


Advanced Renewable Technology

9

Approximate Lifecycle Greenhouse Gas Reduction Advantage

- Used Cooking Oil Feedstock
- Based on CA-GREET model
- Concurs with EPA RFS2 modeling



Advanced Renewable Technology

10

NGBF Value Proposition

- **NGBF Biofuels**
 - Are cost competitive with Ultra Low Sulfur Diesel
 - Can be produced from low-cost and/or locally available feedstocks
 - Substantially reduce NO_x emissions (40-74%)
 - Essentially eliminate SO_x emissions
 - Reduce lifecycle CO₂ emissions
 - 0.5 – 0.8% reduction for each 1% of fossil fuel replaced
- **Rapid, low capital expenditure approach to**
 - Reduce dependence on imported Oil
 - Generate Carbon Credits
 - Make existing infrastructure renewable
- **Business models**
 - Direct Purchase agreements
 - Technology license or tolling arrangements for production at point of use
 - Early adopters can secure feedstock and fuel delivery commitments



Advanced Renewable Technology

11

Regulatory Environment



Advanced Renewable Technology

12

Technology Neutral--Resource Neutral Policy

- Maryland statutes modified to include EPA approved biofuels under the Renewable Fuel Standard-1st in U.S.
 - Bio-Heat and State Vehicle Fleet Mandate
 - Modified biomass definition
- Biofuel Space
 - Federal Renewable Fuel Standard 2 (RFS2)
 - Incrementally mandates 36 billion gallons of biofuel by 2022
 - opened door to advanced biofuels and new technologies
 - approval requires an extensive application tied GHG emissions reductions
 - Mandates in Delaware, Connecticut and New York City ONLY allow biodiesel as per ASTM D6751—policy stifles new biofuels in the NE
 - Massachusetts allows new biofuels also, but regulations are not final



Advanced Renewable Technology

Electricity and RGGI

- Renewable Electricity Space
 - No Federal mandate, U.S. House of Representatives passed bill broadened biomass definition and includes biofuels
 - Maryland Renewable Electricity Standard appears to allow biofuels
 - State Production Tax Credit (as well as Federal) for electricity, not flexible for new resources, especially biofuels
- Regional Greenhouse Gas Initiative
 - Presently only for the electric utilities
 - RGGI base rule does NOT allow biofuels
 - YET, U.S. EPA finds that biofuels DO reduce GHG emissions
- Maryland RGGI program under development



Advanced Renewable Technology

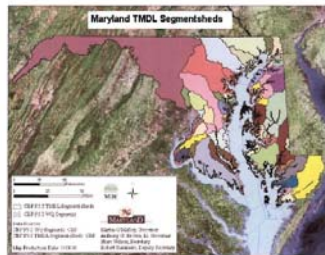
MD GHG Reduction Act of 2009

- Summary
 - Mandates 25% reduction for 2006 levels
 - Requires plans to reduce 10% by 2012 (80%-90% by 2050)
- Planning and Voluntary Reductions
 - 2011 to 2012 MDE to publish inventory, propose and finalize plan
- Recommendation for Biofuels
 - Use extensive EPA Renewable Fuels Standard 2 (RFS2) work on GHG reductions
 - Allow biofuels that have been approved by EPA under RFS2



Advanced Renewable Technology

Phase II WIP Background & Development Process



April 2011

1





Presentation Overview

- Basic Background on Clean Water Act and Total Maximum Daily Loads (TMDLs)
- Background on the Bay TMDL and Watershed Implementation Plans (WIPs)
- Discuss the Phase II WIP Development Process

2



Basic TMDL Background

1972 federal Clean Water Act Requires:

- Water Quality Standards
- Assessment (monitoring) of Waters
- Identification of Waters that Violate Standards
 - 303(d) List of Impaired Waters
 - Identify Pollutant(s) Causing Impaired Waters
- Set Limits on Pollutants: Total Maximum Daily Load
- Write Permits to be Consistent with TMDLs

3



MARYLAND Department of the Environment
Total Maximum Daily Load

Main Concepts of a TMDL:

- TMDL: Maximum amount of pollutant that can be received by a water body and still meet standards.
- TMDL Allocates loads among sources and geographic areas.
- TMDL = WLA + LA + MOS
 - WLA: Sources with Permits (point sources)
 - LA: Sources without Permits (nonpoint sources)
 - MOS: Margin of Safety, protective of environment.
- TMDL is usually determined by a scientific study of the water body, often using computer models.

MARYLAND Department of the Environment
Bay TMDL Background

- Court Settlement: Required Chesapeake Bay TMDLs to be completed by December 2010
- EPA Led a Regional TMDL Development Process
 - Sets limits, by State, on Nutrient & Sediment Pollution
- EPA Required "Watershed Implementation Plans":
 - Allowed States to Allocate Loads
 - Supports "Reasonable Assurance" of Implementation
 - Part of new federal "Accountability Framework" to Ensure Results
- 58 Separate Segments have TMDLs in Maryland

MARYLAND Department of the Environment

Examples of impaired segments.

- Appendix B2 of Phase I WIP





What is Different than Previous Bay Restoration Efforts?

- Federal "Accountability Framework"
 - Clean Water Act: Bay TMDLs and generally greater regulatory influence
 - Watershed Implementation Plans
 - 2-Year Implementation Milestones
 - Tracking & Evaluating Progress
 - Federal "Consequences"

7



Federal Consequences

- Possible Consequences:
 - Expand NPDES permit coverage to currently unregulated sources;
 - Object to NPDES permits, increase program oversight;
 - Require additional reductions from point sources;
 - Increase and target federal enforcement and compliance assurance;
 - Condition or redirect EPA grants; and
 - Federal promulgation of local nutrient water quality standards.



Watershed Implementation Plans

Three-Phased Planning Process:

- Phase I Plans - 2010
 - Nutrient and sediment target loads by sector and impaired segment
 - Statewide strategies for reducing loads in each source sector
 - Starting Point for Phase II Plans
- Phase II Plans – 2011/12
 - Refined EPA Watershed Model Results
 - Divide loads by smaller geographic areas
 - More detailed strategy to meet 2017 Interim Target - 70% reduction
 - 2-Year Milestone actions for 2012-2013
- Phase III Plans – 2017
 - Modification of TMDL and allocations, if necessary
 - Identify changes needed to meet Final Target loads

9





Highlights of Phase I WIP

- Continue Upgrades of Major WWTPs
- Leaves Room in WWTPs for Smart Growth
- Upgrade Septic Systems in Critical Area
- Reduction Deadlines for Phase I & Phase II MS4 Stormwater Permits plus New Flexibility
- Many new Agricultural Practices.
- Offset Program for Septic & Development Loads by 2013 (account for growth in loads)

10



Accounting for Growth in Loads

- Conceptual Approach:
 - Incentives to Promote Smart Growth
 - Proposes Three Types of Geographic Areas:
 - Offsets tighter in lower density areas, that is, areas of high per-capita loads.
- Option for Local Alternative Approach
- Trading System is Essential Element
- Being Developed via Statewide Workgroup Parallel to, but separate from, Phase II WIP.
- Schedule Envisions 2013 Implementation

11



Phase II: Bottom Line

To avoid getting lost in the details...
... lets boil it down to the three basics:

- **Allocations:** For the major source sectors
- **2-Year Milestone Commitments for 2012 & 2013:**
 - Implementation Actions
 - Program Development Actions
- **2017 Interim Strategy:** Plausible actions for achieving 70% of the Final Target by 2017.
 - Implementation Actions
 - Program Development Actions

12





Break it Down by Sector

- **Agriculture:** Expanding & Adding Programs
- **Municipal Wastewater:**
 - Major ENR upgrades
 - Minor Upgrades? Some have been proposed.
- **Stormwater:**
 - Phase I & II MS4s: Target has been set in Phase I WIP
 - Opportunities for alternative reductions in near term
- **Septic Systems:**
 - An approach has been proposed in Phase I WIP
 - Consider alternative reductions
- **Other:** Industrial sources, Atmospheric...

13



Basic Expectations of WIP

- **Interim & Final Target Loads**
- **Strategies to Meet Targets**
 - Strategy Narrative
 - Load Reduction Analysis (& Gap Analysis)
 - Cost Estimate & Strategy to Address Funding Gap
 - Schedule for "Program Development" (Including Funding)
- **Contingency Strategies**
- **Tracking, Reporting and Verification**
- **Accounting for Growth in Loads**
- **Capacity Analysis & 2-Year Milestones**



Overview of Phase II Process

- Set up Local Teams
- Train and educate teams and liaisons
- Orientation to Load Analysis Tools
- Discuss & Refine Strategies and Target Loads
 - Reach Consensus, Use State Default or Hybrid
- Validate Revised Strategies via EPA Models
- Finalize 2-yr Milestones by end of 2011
- Write Phase II Document
- Public Review & Revise WIP (2012)

15



MARYLAND Board, Office of Growing **Deliverable Dates**

- EPA
 - Completes two agreed-upon changes to Watershed Model,
 - Provides results of key scenarios, and
 - **Proposes** N, P and sediment allocations for 19 state-basins by **June 30, 2011**
- EPA **finalizes** nitrogen, phosphorus and sediment allocations by **July 15, 2011**
- Preliminary **2012-2013 milestone commitments** submitted to EPA for scenario analysis by **September 30, 2011**

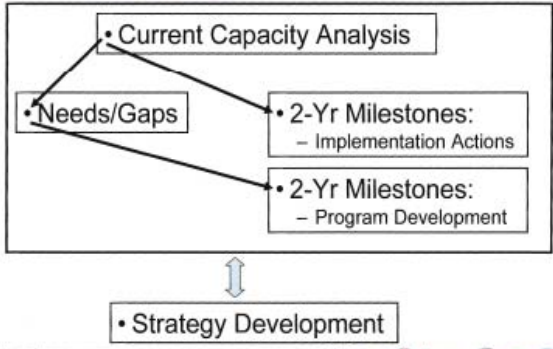


MARYLAND Board, Office of Growing **Deliverable Dates**

- **2012-2013 milestone commitments** submitted to EPA by **January 3, 2012**
- Formal **EPA comments on draft Phase II WIPs** by **January 31, 2012**
- **Final Phase II WIPs** submitted to EPA by **March 30, 2012**



MARYLAND Board, Office of Growing **Connecting the Dots**



MARYLAND
Smart. Green. Growing

State Liaisons

State staff will be assigned to serve as liaisons between each local team and the State agencies. The liaison's functions are outlined below.

- **Coordinate Local Team Meetings:**
 - Schedule Meeting, Set Agenda, Etc.
- **Facilitate Meeting Discussions**
- **Explain and Guide the Process:**
 - Timelines, Goals, Outcomes/Products
- **Liaison is NOT a WIP Expert:**
 - Coordinate Between Local Team & State Agencies:
 - Seek answers to local questions
 - Bring in subject area experts
 - Facilitate other State & federal technical assistance

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Contacts:

MDE: Tom Thornton – 410 537-3656
TThornton@mde.state.md.us

DNR: Catherine Shanks – 410 260-8717
CShanks@dnr.state.md.us

MDA: Beth Horsey – 410 841-5896
horseyea@mda.state.md.us

MDP: Jason Dubow – 410 767-3370
JDubow@mdp.state.md.us

Sustainability at



Kathleen Hetherington, Ed.D.
President, Howard Community
College
July 28, 2011

Presented to:

The Governor's Commission on
Environmental Justice and Sustainable
Communities



The Commitment

- In April 2007, our board of trustees approved and our president signed the American College and University Presidents Climate Commitment (ACUPCC)
- The commitment is to minimize global warming emissions and provide knowledge and education to achieve climate neutrality.



FAST

- As part of that commitment, the **Facilities and Sustainability Team (FAST)** was established to provide coordination in the advancement of sustainability through programs that are environmentally and socially responsible.



Subcommittees Established

- 👍 AWARENESS CAMPAIGN
- 👍 DRAGON CARBON FOOTPRINT
- 👍 SUSTAINABILITY ACROSS THE CURRICULUM



Embedding Sustainability

- Sustainability at HCC is:
Balancing social, environmental and economic issues today to preserve the earth's resources for future generations.



Sustainable Activities on Campus

👉 GreenFest 2011

SAVE THE DATE.
April 2, 2011
10 am - 4 pm
Howard Community College
www.hcgreenfest.org

GreenFest
Don't Waste Our Future.

Reduce.
Reuse.
Recycle.



GreenFest

GreenFest 2011

SAVE THE DATE
Saturday, April 2, 2011
10am - 4pm
Howard Community College
www.hcgreenfest.org

FREE ADMISSION and GIVEAWAYS

Poster design by Victoria Peterson, River Hill High School

Activities:
Bikes for the World Bike Collection
Interactive Carbon Footprint Calculators
Sierra Club Sponsored Tree Planting
Outdoor Reptile Search
Live Reptiles and Birds
Rain Barrel Workshops
Green Vendors
Gardening Workshops
Document Shredding Event
Children's Activities

Sustainable Activities on Campus

👉 The Mini Can Challenge



Why use a Mini Can?

1. Encourages recycling
2. Saves money (no bags)
3. Saves trash removal time

Requirements:
Recycle can in each office
Group trash can nearby
Empty your own mini can



Sustainable Activities on Campus

👉 The EC-H20 Floor Cleaning Machine



Sustainable Activities on Campus

👉 The Green Disinfectant Ceremony



Sustainable Activities on Campus

👉 Recyclemania 2011

Get in the Game!
Recycle to win. Get involved in RecycleMania,
the eight-week recycling competition.

For more information please visit:
www.recyclemaniacs.org

Logos: RecycleMania, CURC, WM, ALCA, American Forest & Paper Association, The Coca-Cola Company

Sustainable Activities on Campus

👍 The Dumpster Dive



Sustainable Activities on Campus

👍 Rain Gardens



Sustainable Activities on Campus

👍 Rain Barrels



Sustainable Activities on Campus

👍 Nature Trail and Arboretum

- Wetlands & Head Waters
- Sidewalks and bike paths
- Plant tags and signage
- Plant native species
- Remove invasive species



Sustainable Activities on Campus

👉 Native Species



Sustainable Activities on Campus

👉 HCC's Sustainable Garden



Sustainable Activities on Campus



www.carpoolworld.com/howardcc



Sustainable Activities on Campus

👉 Lunch & Learn Series

Community Supported Agriculture



No Farms
No Food

KNOW WHERE YOUR
FOOD COMES FROM
BUY LOCAL



Sustainability Measures

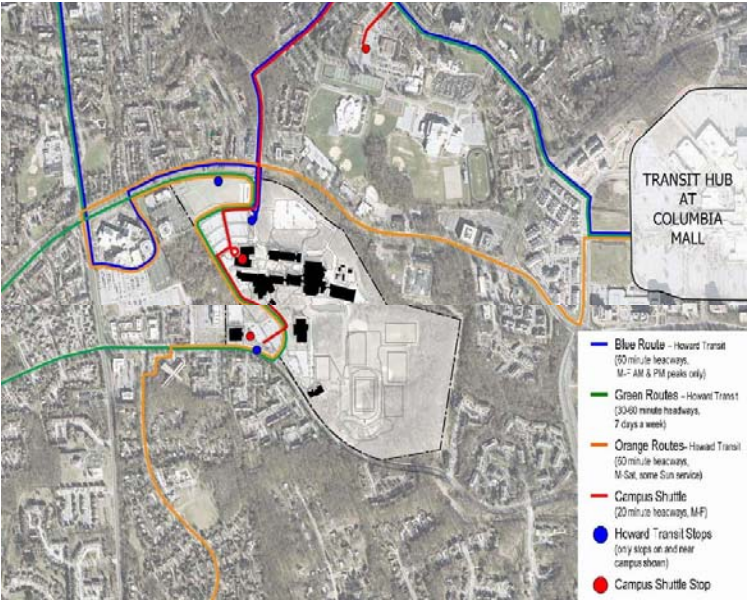
- Employee Satisfaction with Sustainability
- Reduction of Gross Emissions per FTE
- Waste Removal and Recycling
- Natural Gas Usage per FTE
- Electricity Usage per FTE
- Reduction of Printing
- Computer Hours Saved



Partnerships and Future Initiatives



Partnerships and Future Initiatives



Thank You!

