

# HOUSE BILL 473

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By: **Delegates Fraser–Hidalgo, Charkoudian, and Love**

Introduced and read first time: January 30, 2023

Assigned to: Economic Matters and Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Ambient Air Monitoring – Particulate and Fine Particulate**  
3 **Matter**

4 FOR the purpose of requiring the Department of the Environment to deploy ambient air  
5 monitors sufficient to monitor levels of particulate matter and fine particulate  
6 matter in certain census tracts on or before a certain date; requiring the Department  
7 to provide public access to certain current ambient air monitoring data and related  
8 information through the Internet; requiring the Department to take into  
9 consideration certain ambient air monitoring data before approving certain air  
10 emissions permits; requiring the Air Quality Control Advisory Council to conduct a  
11 certain study and make certain reports related to ambient air monitoring to the  
12 General Assembly on or before certain dates; and generally relating to ambient air  
13 monitoring.

14 BY repealing and reenacting, without amendments,  
15 Article – Environment  
16 Section 1–701(a)(1), (7), and (8)  
17 Annotated Code of Maryland  
18 (2013 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Environment  
21 Section 2–103.2  
22 Annotated Code of Maryland  
23 (2013 Replacement Volume and 2022 Supplement)

24 BY adding to  
25 Article – Environment  
26 Section 2–103.3 and 2–407  
27 Annotated Code of Maryland  
28 (2013 Replacement Volume and 2022 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Environment**

4 1–701.

5 (a) (1) In this section the following words have the meanings indicated.

6 (7) “Overburdened community” means any census tract for which three or  
7 more of the following environmental health indicators are above the 75th percentile  
8 statewide:

9 (i) Particulate matter (PM) 2.5;

10 (ii) Ozone;

11 (iii) National Air Toxics Assessment (NATA) diesel PM;

12 (iv) NATA cancer risk;

13 (v) NATA respiratory hazard index;

14 (vi) Traffic proximity;

15 (vii) Lead paint indicator;

16 (viii) National Priorities List Superfund site proximity;

17 (ix) Risk Management Plan facility proximity;

18 (x) Hazardous waste proximity;

19 (xi) Wastewater discharge indicator;

20 (xii) Proximity to a Concentrated Animal Feeding Operation (CAFO);

21 (xiii) Percent of the population lacking broadband coverage;

22 (xiv) Asthma emergency room discharges;

23 (xv) Myocardial infarction discharges;

24 (xvi) Low–birth–weight infants;

25 (xvii) Proximity to emitting power plants;

1 (xviii) Proximity to a Toxic Release Inventory (TRI) facility;

2 (xix) Proximity to a brownfields site;

3 (xx) Proximity to mining operations; and

4 (xxi) Proximity to a hazardous waste landfill.

5 (8) “Underserved community” means any census tract in which, according  
6 to the most recent U.S. Census Bureau Survey:

7 (i) At least 25% of the residents qualify as low-income;

8 (ii) At least 50% of the residents identify as nonwhite; or

9 (iii) At least 15% of the residents have limited English proficiency.

10 2–103.2.

11 (a) In this section, “ambient air monitoring data” means measured concentrations  
12 of air pollutants, including air pollutants for which there are no established ambient air  
13 quality standards or emission standards, obtained from an ambient air monitor established  
14 by the Department.

15 (b) On or before January 1, 2000, and each year thereafter, the Department shall  
16 provide public access to all air monitoring data in the State through the Internet.

17 (c) **[Ambient] SUBJECT TO SUBSECTION (D) OF THIS SECTION, AMBIENT** air  
18 monitoring data provided under this section:

19 (1) May be in summary form; and

20 (2) Shall include all validated ambient air monitoring data for the 2 most  
21 recent calendar years for which data are available.

22 **(D) (1) THIS SUBSECTION APPLIES ONLY TO AMBIENT AIR MONITORING**  
23 **FOR PARTICULATE MATTER AND FINE PARTICULATE MATTER CONDUCTED UNDER §**  
24 **2–103.3 OF THIS SUBTITLE.**

25 **(2) THE DEPARTMENT SHALL PROVIDE PUBLIC ACCESS TO CURRENT**  
26 **AMBIENT AIR MONITORING DATA FOR PARTICULATE MATTER AND FINE**  
27 **PARTICULATE MATTER THROUGH THE INTERNET IN REAL TIME.**

1           **(3) THE WEBSITE THAT DISPLAYS THE AMBIENT AIR MONITORING**  
2 **DATA FOR PARTICULATE MATTER AND FINE PARTICULATE MATTER SHALL INCLUDE**  
3 **INFORMATION ON:**

4                   **(I) HOW TO INTERPRET THE DATA; AND**

5                   **(II) STEPS THAT INDIVIDUALS CAN TAKE TO PREVENT ILLNESS**  
6 **IN THE CASE OF POOR AIR QUALITY.**

7 **2-103.3.**

8           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
9 **INDICATED.**

10                   **(2) “FINE PARTICULATE MATTER” MEANS PARTICULATE MATTER**  
11 **WITH AN AERODYNAMIC DIAMETER LESS THAN OR EQUAL TO 2.5 MICROMETERS (PM**  
12 **2.5).**

13                   **(3) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN §**  
14 **1-701 OF THIS ARTICLE.**

15                   **(4) “PARTICULATE MATTER” MEANS PARTICULATE MATTER WITH AN**  
16 **AERODYNAMIC DIAMETER LESS THAN OR EQUAL TO 10 MICROMETERS (PM 10).**

17                   **(5) “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN §**  
18 **1-701 OF THIS ARTICLE.**

19           **(B) (1) ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL**  
20 **DEPLOY AMBIENT AIR MONITORS SUFFICIENT TO MONITOR LEVELS OF**  
21 **PARTICULATE MATTER AND FINE PARTICULATE MATTER IN:**

22                   **(I) ALL CENSUS TRACTS WITH AN AVERAGE MEDIAN INCOME AT**  
23 **OR BELOW 80% OF THE AVERAGE MEDIAN INCOME FOR THE STATE; AND**

24                   **(II) ALL OTHER CENSUS TRACTS PRIORITIZED BY THE**  
25 **DEPARTMENT IN ACCORDANCE WITH THIS SECTION.**

26                   **(2) AN AMBIENT AIR MONITOR DEPLOYED UNDER THIS SUBSECTION**  
27 **SHALL BE LOCATED WITHIN A RADIUS OF:**

28                   **(I) NOT LESS THAN 5 MILES FROM ANOTHER AMBIENT AIR**  
29 **MONITOR DEPLOYED UNDER THIS SUBSECTION; AND**

1                   **(II) NOT MORE THAN 15 MILES FROM ANOTHER AMBIENT AIR**  
2 **MONITOR DEPLOYED UNDER THIS SUBSECTION.**

3                   **(C) IN IDENTIFYING CENSUS TRACTS FOR AIR QUALITY MONITORING UNDER**  
4 **THIS SECTION, THE DEPARTMENT SHALL PRIORITIZE OVERBURDENED**  
5 **COMMUNITIES AND UNDERSERVED COMMUNITIES.**

6 **2-407.**

7                   **BEFORE APPROVING ANY PERMIT TO CONSTRUCT, MODIFY, OPERATE, OR USE**  
8 **A SOURCE THAT MAY CAUSE OR CONTROL EMISSIONS INTO THE AIR, THE**  
9 **DEPARTMENT SHALL TAKE INTO CONSIDERATION ALL RELEVANT AMBIENT AIR**  
10 **MONITORING DATA COLLECTED UNDER § 2-103.3 OF THIS TITLE OR ANY SIMILAR**  
11 **AMBIENT AIR MONITORING PROGRAM OPERATED BY A POLITICAL SUBDIVISION.**

12                   SECTION 2. AND BE IT FURTHER ENACTED, That:

13                   (a) In this section, “Council” means the Air Quality Control Advisory Council  
14 established under § 2-201 of the Environment Article.

15                   (b) The Council shall:

16                   (1) study and make recommendations regarding ambient air monitoring in  
17 the State, including:

18                   (i) how to use ambient air monitoring data to mitigate toxic  
19 pollutants through regulatory action;

20                   (ii) how to incorporate ambient air monitoring data into permit  
21 decision-making processes across State agencies;

22                   (iii) the identification of federal programs available to help fund  
23 ambient air monitoring efforts in the State;

24                   (iv) the cumulative impact of pollutants such as particulate matter  
25 and fine particulate matter on all communities in the State;

26                   (v) how to deploy ambient air monitors more effectively and  
27 efficiently to obtain accurate data; and

28                   (vi) difficulties implementing existing ambient air monitoring  
29 programs and proposed solutions; and

30                   (2) report its findings and recommendations to the Governor and, in  
31 accordance with § 2-1257 of the State Government Article, the General Assembly on or  
32 before September 1, 2024.

1 (c) In carrying out the study required under subsection (b)(1) of this section, the  
2 Council shall:

3 (1) consult with the Commission on Environmental Justice and  
4 Sustainable Communities established under § 1-701 of the Environment Article and the  
5 Maryland Department of Health; and

6 (2) hold at least two public meetings to solicit public input.

7 (d) Following submission of the report required under subsection (b)(2) of this  
8 section, the Council shall:

9 (1) monitor implementation of this Act and the recommendations included  
10 in the report; and

11 (2) report its findings and any additional recommendations to the Governor  
12 and, in accordance with § 2-1257 of the State Government Article, the General Assembly  
13 on or before September 1, 2026.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
15 1, 2023.