

# REQUIRING INDIRECT SOURCE PERMITS FOR NEW OR EXPANDED FACILITIES GENERATING SIGNIFICANT VEHICULAR TRAFFIC

This model bill aims to reduce the pollution generated by new indirect sources, which are facilities and other developments that attract or produce increased vehicle traffic and other mobile sources of pollution.

## MINIMIZING IMPACTS

While the amount of pollution generated by indirect sources may not be a significant source of emissions, the vehicles that it attracts can increase air pollution in the surrounding area. High-traffic facilities and major roadways are disproportionately located in low income communities and communities of color, which are also more likely to be burdened by other sources of pollution and public health stressors. Whether viewed in isolation or in conjunction with other sources of pollution in the area, indirect sources may have detrimental health effects on those who live, work, attend school, or recreate nearby.

To reduce pollution from indirect sources, this bill imposes new permitting requirements on the construction or expansion of facilities and other developments that are likely to attract significant traffic in designated environmental justice areas.



## STATISTICS

Residents of low-income neighborhoods may be more vulnerable to air pollution because of proximity to pollution sources such as factories, major roadways, and ports with diesel truck operations.



**1 IN 10**

people exposed to unsafe air pollution live in extreme poverty.



## STATISTICS

Diesel trucks are just 5% of traffic on the nation's roads but account for 50% of harmful nitrogen dioxide pollution.



Low-income neighborhoods and communities of color are exposed to 28% more nitrogen dioxide pollution due to the number of industrial facilities located in their neighborhoods

By requiring a permit for the development of a new indirect source in or near these areas, this model law increases government review and creates new opportunities for community engagement in the siting of these facilities. In order to apply for an indirect source permit from the state's environmental protection agency, an applicant must submit detailed information about the proposed construction or expansion, including estimates of vehicle traffic in and around the site, an air impact assessment evaluating the emissions associated with the indirect source, the locations of nearby community gathering places, and estimates of additional development that may result from the project. Each permit application is also required to go through a public comment period lasting a minimum of 90 days and including at least two public meetings. The agency is required to consider and address the input received through this process in its final decision.

Before approving any permit application, the agency is required to make, at minimum, one of two specific findings regarding the impact of the proposed project on the nearby environmental justice area. First, the agency may approve the permit if it finds that emissions from the indirect source will not exceed certain thresholds. Alternatively, the agency may approve the permit if it determines that the indirect source is necessary for the public interest of the environmental justice area and no suitable alternative exists. In making the public interest determination, the agency can

take into account whether the benefits of the indirect source to the impacted community will outweigh the negative environmental impacts it generates, and may look to the existence of a community benefit agreement or other as evidence of the needs and interests of the community. In approving the land use, the agency must also place reasonable conditions on the permit designed to minimize the negative environmental impacts on the community.

