

HOUSE BILL 95

M3

3lr0060

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: January 15, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Permits – New Source Performance Standards**

3 FOR the purpose of repealing a requirement that the Department of the Environment
4 provide for certain public participation prior to the issuance of a certain permit
5 for a source that is subject to certain federal New Source Performance
6 Standards; and generally relating to ambient air quality control permits and
7 public participation.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 2–404
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2012 Supplement)

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

15 **Article – Environment**

16 2–404.

17 (a) This section applies to the following activities:

18 (1) Construction of a new source;

19 (2) Replacement of components of an existing permitted source, if the
20 fixed capital cost of the replacement components exceeds one-half of the fixed capital
21 cost that would be required to construct a new source comparable in process to the
22 existing source; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Modification of an existing permitted source by making a physical
2 or operational change to the source that will result in a significant net increase in
3 emissions of any pollutant from that source.

4 (b) (1) Before accepting an application for a permit subject to subsection
5 (c) of this section, the Department shall require the applicant to submit
6 documentation:

7 (i) That demonstrates that the proposal has been approved by
8 the local jurisdiction for all zoning and land use requirements; or

9 (ii) That the source meets all applicable zoning and land use
10 requirements.

11 (2) Paragraph (1) of this subsection does not apply to any application
12 for a permit to construct at an existing source unless the existing source is a
13 nonconforming use.

14 (c) The Department shall comply with the provisions in subsection (d) of this
15 section before issuing a permit for the activities listed in subsection (a) of this section
16 at:

17 (1) Any source which is required to obtain a permit to operate under
18 regulations adopted under this subtitle;

19 (2) Any source which is subject to federal standards under [40 C.F.R.
20 Part 60 (New Source Performance Standards),] 40 C.F.R. Part 61 (National Emission
21 Standards for Hazardous Air Pollutants)[,] or 40 C.F.R. 52.21 (Prevention of
22 Significant Deterioration); or

23 (3) Any source that will, after control, discharge 25 tons or more per
24 year of a pollutant regulated under this title in the areas of Baltimore City designated
25 by the United States Post Office as zip code numbers 21225, 21226, and 21230.

26 (d) (1) Before issuing a permit subject to subsection (c) of this section, the
27 Department shall:

28 (i) Comply with the provisions of Title 1, Subtitle 6 of this
29 article; and

30 (ii) Conduct any public hearing required by Title 1, Subtitle 6 of
31 this article in the county in which the proposed source is located.

32 (2) In addition to the requirements under paragraph (1) of this
33 subsection, before issuing a permit to construct a source described in subsection (c)(3)
34 of this section, the Department shall require at the expense of the applicant the

1 preparation of an ambient air quality impact analysis regarding the proposed
2 construction.

3 (e) The provisions of this section do not apply to any permit to construct
4 control equipment on an existing source or to any permit to operate.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.