
By: Delegate Guns

Introduced and read first time: February 12, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 1996

CHAPTER ____

1 AN ACT concerning

2 **Air Quality - Construction and Modification of Sources**

3 FOR the purpose of altering the air quality permitting requirements for construction and

4 modification of certain permitted sources under certain circumstances; and

5 generally relating to air quality permitting.

6 BY repealing and reenacting, with amendments,

7 Article - Environment

8 Section 2-404

9 Annotated Code of Maryland

10 (1993 Replacement Volume and 1995 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Environment**

14 2-404.

15 (A) THIS SECTION APPLIES TO THE FOLLOWING ACTIVITIES:

16 (1) CONSTRUCTION OF A NEW SOURCE;

17 (2) REPLACEMENT OF COMPONENTS OF AN EXISTING PERMITTED

18 SOURCE, IF THE FIXED CAPITAL COST OF THE REPLACEMENT COMPONENTS

19 EXCEEDS ONE-HALF OF THE FIXED CAPITAL COST THAT WOULD BE REQUIRED TO

20 CONSTRUCT A NEW SOURCE COMPARABLE IN PROCESS TO THE EXISTING SOURCE;

21 AND

2

1 (3) MODIFICATION OF AN EXISTING PERMITTED SOURCE BY MAKING A
2 PHYSICAL OR OPERATIONAL CHANGE TO THE SOURCE THAT WILL RESULT IN A
3 SIGNIFICANT NET INCREASE IN EMISSIONS OF ANY POLLUTANT FROM THAT
4 SOURCE.

5 [(a)] (B) (1) Before accepting an application for a permit ~~to construct any~~
6 ~~source listed in~~ SUBJECT TO subsection [(b)](C) of this section, the Department shall
7 require the applicant to submit documentation:

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

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

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

15 [(b)] (C) The Department shall comply with the provisions in subsection [(c)]
16 (D) of this section before issuing a permit ~~to construct OR MODIFY~~ FOR THE ACTIVITIES
17 LISTED IN SUBSECTION (A) OF THIS SECTION AT:

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

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

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

26 [(c)] (D) (1) Before issuing a permit ~~to construct for any source listed in~~
27 SUBJECT TO subsection [(b)] (C) of this section, the Department shall:

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

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

31 (2) In addition to the requirements under paragraph (1) of this subsection,
32 before issuing a permit to construct a source described in subsection [(b)](3) (C)(3) of
33 this section, the Department shall require at the expense of the applicant the preparation
34 of an ambient air quality impact analysis regarding the proposed construction.

35 [(d)] (E) The provisions of this section do not apply to any permit to construct
36 control equipment on an existing source OR TO ANY PERMIT TO OPERATE.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1996.

