
By: Senator Collins

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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:

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

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

26 [(a)] (B) (1) Before accepting an application for a permit to construct any
27 source listed in subsection [(b)] (C) of this section, the Department shall require the
28 applicant to submit documentation:

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

3 (ii) That the source meets all applicable zoning and land use
4 requirements.

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

8 [(b)] (C) The Department shall comply with the provisions in subsection [(c)]
9 (D) of this section before issuing a permit to construct OR MODIFY:

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

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

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

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

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

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

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

27 [(d)] (E) The provisions of this section do not apply to any permit to construct
28 control equipment on an existing source.

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