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**By: Senator Collins**

Introduced and read first time: February 2, 1996  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 12, 1996

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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; clarifying  
5 that certain requirements do not apply to certain permits to operate; and generally  
6 relating to air quality permitting.

7 BY repealing and reenacting, with amendments,  
8 Article - Environment  
9 Section 2-404  
10 Annotated Code of Maryland  
11 (1993 Replacement Volume and 1995 Supplement)

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

14 **Article - Environment**

15 2-404.

16 ~~(A) THIS SECTION APPLIES TO:~~

17 ~~(1) CONSTRUCTION OF A NEW SOURCE;~~

18 ~~(2) REPLACEMENT OF COMPONENTS OF AN EXISTING PERMITTED~~  
19 ~~SOURCE, IF THE FIXED CAPITAL COST OF THE REPLACEMENT COMPONENTS~~  
20 ~~EXCEEDS ONE HALF OF THE FIXED CAPITAL COST THAT WOULD BE REQUIRED TO~~  
21 ~~CONSTRUCT A NEW SOURCE COMPARABLE IN PROCESS TO THE EXISTING SOURCE;~~

22 ~~AND~~

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 subsection ~~(b)~~ ~~(C)~~ of this section, the Department shall require the  
7 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:~~ :

17                   (1) BEFORE ISSUING A PERMIT FOR THE:

18                               (I) CONSTRUCTION OF A NEW SOURCE;

19                               (II) REPLACEMENT OF A COMPONENT OF AN EXISTING UNIT AT A  
20 SOURCE IF THE FIXED CAPITAL COST OF THE REPLACEMENT COMPONENT EXCEEDS  
21 ONE-HALF OF THE FIXED CAPITAL COST THAT WOULD BE REQUIRED TO  
22 CONSTRUCT A NEW UNIT AT THE SOURCE COMPARABLE IN PROCESS TO THE  
23 EXISTING UNIT AT THE SOURCE; OR

24                               (III) MODIFICATION OF AN EXISTING UNIT AT A SOURCE BY  
25 MAKING A PHYSICAL OR OPERATIONAL CHANGE TO THE UNIT AT THE SOURCE  
26 THAT WILL RESULT IN A SIGNIFICANT NET INCREASE IN EMISSIONS OF ANY  
27 POLLUTANT FROM THAT UNIT AT THE SOURCE; AND

28                   (2) BEFORE ISSUING A PERMIT TO ANY SOURCE;

29                   ~~(1) Any source which (I) THAT~~ is required to obtain a permit to operate  
30 under regulations adopted under this subtitle;

31                   ~~(2) Any source which (II) THAT~~ is subject to federal standards under 40  
32 CFR Part 60 (New Source Performance Standards), 40 CFR Part 61 (National Emission  
33 Standards for Hazardous Air Pollutants), or 40 CFR 52.21 (Prevention of Significant  
34 Deterioration); or

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

38           {(c)} ~~(D)~~ (1) Before issuing a permit ~~to construct for any source listed in~~  
39 SUBJECT TO subsection {(b)} ~~(C)~~ of this section, the Department shall:

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

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

4 (2) In addition to the requirements under paragraph (1) of this subsection,  
5 before issuing a permit to construct a source described in subsection ~~{(b)(3)}~~ ~~(C)(3)~~ of  
6 this section, the Department shall require at the expense of the applicant the preparation  
7 of an ambient air quality impact analysis regarding the proposed construction.

8 ~~{(d)}~~ ~~(E)~~ The provisions of this section do not apply to any permit to construct  
9 control equipment on an existing source OR TO ANY PERMIT TO OPERATE.

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