
By: Delegate Frush

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Air Quality Permits and Registrations - Revocation**

3 FOR the purpose of requiring the Department of the Environment to issue written
4 warnings about permit or registration revocation to certain persons for certain
5 violations; requiring the warnings to contain certain information; requiring the
6 Department to revoke certain permits or registrations due to certain violations;
7 establishing certain procedures for revocation of certain permits or registrations;
8 establishing certain procedures for attaining a new permit or registration after a
9 permit or registration has been revoked; prohibiting application of certain
10 exceptions to the revocation procedure; and generally relating to the revocation of
11 air quality permits or registrations.

12 BY repealing and reenacting, without amendments,
13 Article - Environment
14 Section 2-401
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)

17 BY adding to
18 Article - Environment
19 Section 2-608.1
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Environment
24 Section 2-611
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Environment**

2 2-401.

3 Except as provided in § 2-402 of this subtitle, the Department may adopt
4 regulations that require a permit or registration before a person constructs, modifies,
5 operates, or uses a source that may cause or control emissions into the air.

6 2-608.1.

7 (A) THE DEPARTMENT SHALL ISSUE IN WRITING A WARNING TO A PERSON IF:

8 (1) THE PERSON HAS NOT COMPLIED, FOR 12 CONSECUTIVE MONTHS,
9 WITH A CORRECTIVE OR OTHER FINAL ORDER; OR

10 (2) THE DEPARTMENT HAS KNOWLEDGE THAT THE PERSON HAS BEEN
11 IN VIOLATION, FOR 12 CONSECUTIVE MONTHS, OF ANY PERMIT OR REGISTRATION
12 ISSUED UNDER § 2-401 OF THIS TITLE.

13 (B) (1) THE WARNING ISSUED UNDER SUBSECTION (A) OF THIS SECTION
14 SHALL STATE THAT THE DEPARTMENT WILL REVOKE THE PERMIT OR
15 REGISTRATION BEING VIOLATED IF:

16 (I) THE PERSON DOES NOT COME INTO COMPLIANCE WITH THE
17 CORRECTIVE OR OTHER FINAL ORDER WITHIN 12 MONTHS; OR

18 (II) THE PERSON DOES NOT COME INTO COMPLIANCE WITH THE
19 PERMIT OR REGISTRATION WITHIN 12 MONTHS.

20 (2) IN THE CASE OF A WARNING ISSUED UNDER SUBSECTION (A) OF
21 THIS SECTION, THE WARNING SHALL ALSO DESCRIBE THE CORRECTIVE ACTION
22 NEEDED TO BE TAKEN THAT WILL BRING THE PERSON INTO COMPLIANCE WITH THE
23 PERMIT OR REGISTRATION.

24 (C) THE DEPARTMENT SHALL REVOKE THE PERMIT OR REGISTRATION
25 ISSUED TO A PERSON UNDER § 2-401 OF THIS TITLE AND SHALL ENJOIN ANY
26 CONDUCT FORMERLY COVERED BY THE PERMIT OR REGISTRATION IF:

27 (1) THE PERSON HAS NOT COMPLIED WITH THE CORRECTIVE OR
28 OTHER FINAL ORDER FOR 12 CONSECUTIVE MONTHS FOLLOWING THE ISSUANCE OF
29 A WARNING UNDER SUBSECTION (A) OF THIS SECTION; OR

30 (2) THE PERSON VIOLATED THE PERMIT OR REGISTRATION FOR 12
31 CONSECUTIVE MONTHS FOLLOWING THE ISSUANCE OF A WARNING UNDER
32 SUBSECTION (A) OF THIS SECTION.

33 (D) (1) IF A PERMIT OR REGISTRATION ISSUED TO A PERSON UNDER § 2-401
34 OF THIS TITLE IS REVOKED UNDER SUBSECTION (A) OF THIS SECTION, THE PERSON
35 MAY RECEIVE A PERMIT OR REGISTRATION UNDER § 2-401 OF THIS TITLE ONLY BY
36 REAPPLYING FOR A PERMIT OR REGISTRATION.

37 (2) IN THE APPLICATION FOR A NEW PERMIT OR REGISTRATION, THE
38 PERSON SHALL EXPLAIN HOW THE PERSON WILL PREVENT THE TYPE OF PERMIT OR

3

1 REGISTRATION VIOLATIONS THAT LED TO THE REVOCATION OF THE PREVIOUS
2 PERMIT OR REGISTRATION.

3 2-611.

4 (A) THIS SECTION DOES NOT APPLY TO A VIOLATION OF A PERMIT OR
5 REGISTRATION ISSUED UNDER § 2-401 OF THIS TITLE RESULTING IN A REVOCATION
6 OF THE PERMIT OR REGISTRATION UNDER § 2-608.1(A) OF THIS SUBTITLE.

7 [(a)] (B) A person is not subject to action for a violation of this title or any rule or
8 regulation adopted under this title so long as the person acts in accordance with a plan for
9 compliance that:

10 (1) The person has submitted to the Secretary; and

11 (2) The Secretary has approved, with or without amendments, on the
12 recommendation of the Air Management Administration.

13 [(b)] (C) The Secretary shall act on any plan for compliance within 90 days after
14 the plan for compliance is submitted to the Secretary.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1997.