

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1427

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second “requiring” in line 7 down through “permits;” in line 9; and after line 17, insert:

“BY adding to

Article - Environment

Section 2-404.1

Annotated Code of Maryland

(1996 Replacement Volume and 2000 Supplement)”.

AMENDMENT NO. 2

On page 1, in lines 24 and 26, in each instance, strike the bracket; and in line 24, strike “Air” and substitute “EXCEPT AS PROVIDED IN § 2-404.1 OF THIS ARTICLE, AIR”.

On page 2, in lines 1, 3, 6, 8, and 10, in each instance, strike the brackets; and in the same lines, strike “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively.

On page 3, in line 19, after “shall”, in each instance, insert “, EXCEPT AS PROVIDED IN § 2-404.1 OF THIS SUBTITLE”; in line 20, in each instance, strike the bracket; strike beginning with “PROVIDE” in line 21 down through “COMMENT” in line 22; in lines 23 and 24, in each instance, strike the bracket; in line 24, strike “THIS SECTION”; and strike in their entirety lines 30 through 37, inclusive.

On page 4, strike in their entirety lines 1 through 16, inclusive; in line 17, strike the brackets; in the same line, strike “(H)”; and after line 18, insert:

“2-404.1.

(Over)

(A) A FINAL DECISION OF THE DEPARTMENT ON THE ISSUANCE, RENEWAL, OR REVISION OF A PERMIT TO OPERATE UNDER TITLE V OF THE FEDERAL CLEAN AIR ACT, OR A PERMIT TO CONSTRUCT A FACILITY THAT IS REQUIRED TO OBTAIN A PERMIT TO OPERATE UNDER TITLE V OF THE FEDERAL CLEAN AIR ACT, IS SUBJECT TO JUDICIAL REVIEW AT THE REQUEST OF A PETITIONER WHO:

(1) WOULD HAVE STANDING TO CHALLENGE A PERMIT UNDER THE EQUIVALENT FEDERAL STANDING LAW; AND

(2) IF AN OPPORTUNITY FOR PUBLIC PARTICIPATION WAS REQUIRED BY LAW, PARTICIPATED IN THE PUBLIC PARTICIPATION PROCESS THROUGH SUBMISSION OF WRITTEN OR ORAL COMMENTS.

(B) JUDICIAL REVIEW UNDER THIS SECTION SHALL BE ON THE ADMINISTRATIVE RECORD BEFORE THE DEPARTMENT, AND SHALL BE LIMITED TO OBJECTIONS RAISED DURING THE PUBLIC COMMENT PERIOD, UNLESS THE PETITIONER DEMONSTRATES THAT THE GROUNDS FOR THE OBJECTION:

(1) WERE NOT REASONABLY ASCERTAINABLE DURING THE COMMENT PERIOD; OR

(2) AROSE AFTER THE COMMENT PERIOD.

(C) (1) BEFORE ISSUING AN OPERATING PERMIT SUBJECT TO THIS SECTION, THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR WRITTEN COMMENT AND AN OPPORTUNITY FOR A PUBLIC MEETING TO RECEIVE PUBLIC COMMENT ON THE DRAFT PERMIT.

(2) BEFORE ISSUING A PERMIT TO CONSTRUCT, THE DEPARTMENT SHALL COMPLY WITH THE PUBLIC NOTICE AND MEETING REQUIREMENTS IN § 2-404 OF THIS SUBTITLE.

(D) THE DEPARTMENT MAY NOT REQUIRE AN OPPORTUNITY FOR A CONTESTED CASE HEARING IN CONNECTION WITH A PERMIT SUBJECT TO THIS SECTION.”.

