
By: **Senators Della and Jimeno**

Introduced and read first time: February 4, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ambient Air Quality Control Permit - Rendering Facility - Prohibited**
3 **Location**

4 FOR the purpose of prohibiting the Department of the Environment from issuing an
5 ambient air quality control permit for the construction or operation of a
6 rendering facility if the facility site is located within a certain distance of certain
7 residential areas; and generally relating to the prohibition of certain locations
8 for the construction or operation of rendering facilities.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 2-404
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2003 Supplement)

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

16 **Article - Environment**

17 2-404.

18 (a) This section applies to the following activities:

19 (1) Construction of a new source;

20 (2) Replacement of components of an existing permitted source, if the
21 fixed capital cost of the replacement components exceeds one-half of the fixed capital
22 cost that would be required to construct a new source comparable in process to the
23 existing source; and

24 (3) Modification of an existing permitted source by making a physical or
25 operational change to the source that will result in a significant net increase in
26 emissions of any pollutant from that source.

1 (b) (1) THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE
2 CONSTRUCTION OR OPERATION OF A RENDERING FACILITY IF THE FACILITY SITE IS
3 LOCATED WITHIN A 2-MILE RADIUS OF THE BOUNDARY OF A MUNICIPAL
4 CORPORATION OR ANY OTHER AREA THAT IS ZONED FOR RESIDENTIAL USE.

5 (2) Before accepting an application for a permit subject to subsection (c)
6 of this section, the Department shall require the applicant to submit documentation:

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

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

11 [(2)] (3) Paragraph [(1)] (2) of this subsection does not apply to any
12 application for a permit to construct at an existing source unless the existing source is
13 a nonconforming use.

14 (c) The Department shall comply with the provisions in subsection (d) of this
15 section before issuing a permit for the activities listed in subsection (a) of this section
16 at:

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

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

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

26 (d) (1) Before issuing a permit subject to subsection (c) of this section, the
27 Department shall:

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

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

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

1 (e) The provisions of this section do not apply to any permit to construct
2 control equipment on an existing source or to any permit to operate.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2004.