

Chapter 608

(House Bill 95)

AN ACT concerning

Environment – Permits – New Source Performance Standards

FOR the purpose of ~~repealing a requirement that~~ requiring the Department of the Environment ~~provide for~~ to comply with certain public participation requirements prior to the issuance of a certain permit for a source that is subject to certain federal New Source Performance Standards; and generally relating to ambient air quality control permits and public participation.

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–404
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

Article – Environment

2–404.

(a) This section applies to the following activities:

- (1) Construction of a new source;
- (2) Replacement of components of an existing permitted source, if the fixed capital cost of the replacement components exceeds one-half of the fixed capital cost that would be required to construct a new source comparable in process to the existing source; and
- (3) Modification of an existing permitted source by making a physical or operational change to the source that will result in a significant net increase in emissions of any pollutant from that source.

(b) (1) Before accepting an application for a permit subject to subsection (c) of this section, the Department shall require the applicant to submit documentation:

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

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

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

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

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

(2) Any source which is subject to federal standards under [40 C.F.R. Part 60 (New Source Performance Standards),] 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants)[,] or 40 C.F.R. 52.21 (Prevention of Significant Deterioration); or

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

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

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

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

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

(E) BEFORE ISSUING A PERMIT FOR THE ACTIVITIES LISTED IN SUBSECTION (A) OF THIS SECTION AT ANY SOURCE WHICH IS SUBJECT TO FEDERAL STANDARDS UNDER 40 C.F.R. PART 60 (NEW SOURCE PERFORMANCE STANDARDS), THE DEPARTMENT SHALL:

(1) COMPLY WITH THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION; OR

(2) (I) ELECTRONICALLY POST A NOTICE OF AN APPLICATION FOR THE PERMIT ON THE DEPARTMENT'S WEB SITE IN ACCORDANCE WITH § 1-602(B)(2) OF THIS TITLE;

(II) GIVE NOTICE TO THE CHIEF EXECUTIVE OF ANY COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE SOURCE IS LOCATED OR IS PROPOSED TO BE LOCATED; AND

(III) RECEIVE COMMENTS FROM THE PUBLIC ON THE PERMIT APPLICATION.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 16, 2013.