

HOUSE BILL 987

M3, J1

5lr2217
CF SB 693

By: **Delegates Lam, Angel, Barron, Beidle, Carr, Fennell, Fraser-Hidalgo, Gilchrist, Gutierrez, Hill, Korman, Lafferty, Lierman, Moon, Morales, Morhaim, Pena-Melnyk, S. Robinson, Smith, Tarlau, A. Washington, M. Washington, and K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Ambient Air Quality Control – Cumulative Air Impact Analysis**

3 FOR the purpose of prohibiting the Department of the Environment from issuing a certain
4 permit until certain requirements have been met; prohibiting the Department from
5 recommending certain licensing conditions until certain requirements have been
6 met; requiring the Department to conduct a Cumulative Air Impact Analysis under
7 certain circumstances in accordance with certain requirements; requiring the
8 Department to issue a certain report under certain circumstances in accordance with
9 certain requirements; requiring the Department of Health and Mental Hygiene to
10 review a certain report and submit certain recommendations in accordance with
11 certain requirements; requiring a certain final determination to address certain
12 recommendations submitted by the Department of Health and Mental Hygiene;
13 requiring the Department of the Environment to provide certain notice under certain
14 circumstances in accordance with certain requirements; requiring the Department
15 of the Environment to hold a certain informational meeting in accordance with
16 certain requirements; authorizing the Department of the Environment to require a
17 certain applicant to provide additional notice and opportunities for public input
18 under certain circumstances; requiring the Department of the Environment to
19 ensure that a certain notice, meeting, or hearing is meaningfully accessible to certain
20 individuals; requiring a certain applicant to bear certain costs; requiring the renewal
21 of a certain permit to be subject to certain requirements; requiring the Department
22 of the Environment to maintain certain information on its Web site; requiring the
23 Department of the Environment and the Department of Health and Mental Hygiene
24 to identify certain factors, review certain science, and review certain data, on or
25 before a certain date; requiring the Department of the Environment and the
26 Department of Health and Mental Hygiene, after a certain date, to update certain
27 information every 5 years; requiring the Department of the Environment and the
28 Department of Health and Mental Hygiene to collect other data under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 circumstances; authorizing the Department of the Environment to expand the
2 geographic scope of a certain defined term by regulation in accordance with certain
3 requirements; requiring the Department of the Environment to develop a certain list
4 in accordance with certain requirements; defining certain terms; and generally
5 relating to a Cumulative Air Impact Analysis.

6 BY adding to

7 Article – Environment

8 Section 2–1301 through 2–1306 to be under the new subtitle “Subtitle 13.
9 Cumulative Air Impact Analysis”

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2014 Supplement)

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

14 **Article – Environment**

15 **SUBTITLE 13. CUMULATIVE AIR IMPACT ANALYSIS.**

16 **2–1301.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) “AIR QUALITY PERMIT TO CONSTRUCT APPLICATION” MEANS:

20 (1) ANY APPLICATION FOR A PERMIT UNDER § 2–404 OF THIS TITLE
21 FOR ACTIVITIES DESCRIBED IN § 2–404(A) OF THIS TITLE;

22 (2) ANY APPLICATION FOR COVERAGE UNDER A GENERAL PERMIT
23 ISSUED UNDER § 2–404 OF THIS TITLE; OR

24 (3) ANY APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE
25 AND NECESSITY SUBJECT TO § 2–405(A) OF THIS TITLE.

26 (C) “AIR QUALITY SAMPLING PLAN” MEANS THE PLAN THAT THE
27 DEPARTMENT ISSUES TO AN APPLICANT THAT DESCRIBES HOW THE APPLICANT
28 WILL MONITOR THE AIR IN A WAY THAT CORRESPONDS TO THE EXPECTED
29 POLLUTANTS FROM THE PROPOSED ACTIVITY IN THE CLOSEST RESIDENTIAL AREA
30 TO THE PROPOSED ACTIVITY.

31 (D) “APPLICANT” MEANS ANY PERSON THAT SUBMITS AN AIR QUALITY
32 PERMIT TO CONSTRUCT APPLICATION.

1 (E) "CUMULATIVE AIR IMPACT ANALYSIS" MEANS THE ANALYSIS
2 REQUIRED UNDER § 2-1303 OF THIS SUBTITLE.

3 (F) "IMMEDIATE AREA" MEANS THE AREA WITHIN:

4 (1) A 1.5-MILE RADIUS OF THE NEW SOURCE IF IT IS A MAJOR SOURCE
5 OR MAJOR MODIFICATION; OR

6 (2) A 0.75-MILE RADIUS OF THE NEW SOURCE IF IT IS A NONMAJOR
7 SOURCE OR NONMAJOR MODIFICATION.

8 (G) "MAJOR SOURCE" AND "MAJOR MODIFICATION" HAVE THE MEANINGS
9 ESTABLISHED BY THE DEPARTMENT IN COMAR TITLE 26, SUBTITLE 11.

10 (H) "NONMAJOR SOURCE" AND "NONMAJOR MODIFICATION" MEANS ANY
11 NEW SOURCE OR MODIFICATION OF A SOURCE THAT DOES NOT FALL WITHIN THE
12 DEFINITION OF MAJOR SOURCE OR MAJOR MODIFICATION.

13 (I) "PROPOSED ACTIVITY" MEANS THE CONSTRUCTION, MODIFICATION, OR
14 REPLACEMENT ACTIVITY FOR WHICH THE APPLICANT SUBMITTED AN AIR QUALITY
15 PERMIT TO CONSTRUCT APPLICATION.

16 (J) "PROTECTED COMMUNITY" MEANS:

17 (1) THE AREA WITHIN A ZIP CODE THAT HAS:

18 (i) AN ECONOMIC DISADVANTAGE, AS DEMONSTRATED BY:

19 1. A MEDICAID ENROLLMENT RATE ABOVE THE MEDIAN
20 VALUE FOR ALL ZIP CODES IN THE STATE; OR

21 2. A SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR
22 WOMEN, INFANTS, AND CHILDREN PARTICIPATION RATE ABOVE THE MEDIAN
23 VALUE FOR ALL ZIP CODES IN THE STATE; AND

24 (ii) POOR HEALTH OUTCOMES, AS DEMONSTRATED BY EITHER:

25 1. A LIFE EXPECTANCY BELOW THE MEDIAN VALUE FOR
26 ALL ZIP CODES IN THE STATE; OR

27 2. A PERCENTAGE OF LOW BIRTH WEIGHT INFANTS
28 ABOVE THE MEDIAN VALUE FOR ALL ZIP CODES IN THE STATE; OR

1 **(2) AN AREA THAT THE DEPARTMENT DETERMINES SHOULD BE**
2 **PROTECTED BASED ON NEGATIVE IMPACTS OF POLLUTION AND OTHER STRESSORS**
3 **ON THE COMMUNITY.**

4 **2-1302.**

5 **(A) THE DEPARTMENT MAY NOT ISSUE AN AIR QUALITY PERMIT TO**
6 **CONSTRUCT UNDER § 2-404 OF THIS TITLE UNTIL THE REQUIREMENTS OF THIS**
7 **SUBTITLE HAVE BEEN MET.**

8 **(B) THE DEPARTMENT MAY NOT RECOMMEND LICENSING CONDITIONS FOR**
9 **A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 2-405(A) OF**
10 **THIS TITLE UNTIL THE REQUIREMENTS OF THIS SUBTITLE HAVE BEEN MET.**

11 **2-1303.**

12 **(A) THIS SECTION APPLIES TO AN AIR QUALITY PERMIT TO CONSTRUCT**
13 **APPLICATION FOR ANY SOURCE OR MODIFICATION LOCATED IN A PROTECTED**
14 **COMMUNITY AND:**

15 **(1) FOR NONMAJOR SOURCES AND NONMAJOR MODIFICATIONS ON**
16 **PROPERTY LOCATED WITHIN 0.25 MILES OF THE PROPERTY LINE OF A SCHOOL, A**
17 **CHILD CARE FACILITY, AN ELDERLY CARE CENTER, A COMMUNITY RECREATION**
18 **CENTER, OR ANY OTHER PROPERTY THAT THE DEPARTMENT DETERMINES COULD**
19 **BE NEGATIVELY IMPACTED BY THE NEW SOURCE OR MODIFICATION; OR**

20 **(2) FOR MAJOR SOURCES AND MAJOR MODIFICATIONS ON PROPERTY**
21 **LOCATED WITHIN 1 MILE OF THE PROPERTY LINE OF A SCHOOL, A CHILD CARE**
22 **FACILITY, AN ELDERLY CARE CENTER, A COMMUNITY RECREATION CENTER, OR ANY**
23 **OTHER PROPERTY THAT THE DEPARTMENT DETERMINES COULD BE NEGATIVELY**
24 **IMPACTED BY THE NEW SOURCE OR MODIFICATION.**

25 **(B) THE DEPARTMENT SHALL CONDUCT A CUMULATIVE AIR IMPACT**
26 **ANALYSIS ON THE SUBMISSION OF AN AIR QUALITY PERMIT TO CONSTRUCT**
27 **APPLICATION THAT MEETS THE CONDITIONS UNDER SUBSECTION (A) OF THIS**
28 **SECTION.**

29 **(C) IF AN AIR QUALITY PERMIT TO CONSTRUCT APPLICATION IS FOR**
30 **GENERAL PERMIT COVERAGE AND THE SOURCE FALLS WITHIN THE SCOPE**
31 **IDENTIFIED IN SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL**
32 **REQUIRE THE APPLICANT TO APPLY FOR AN INDIVIDUAL PERMIT.**

1 **(D) (1) FOR ANY NONMAJOR SOURCE OR NONMAJOR MODIFICATION, IN**
2 **CONDUCTING A CUMULATIVE AIR IMPACT ANALYSIS, THE DEPARTMENT SHALL:**

3 **(I) ISSUE AN AIR QUALITY SAMPLING PLAN TO THE APPLICANT;**

4 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
5 **SUBSECTION, REQUIRE THE APPLICANT TO CONDUCT 6 MONTHS OF AIR QUALITY**
6 **SAMPLING ACCORDING TO THE AIR QUALITY SAMPLING PLAN ISSUED BY THE**
7 **DEPARTMENT;**

8 **(III) REQUIRE THE APPLICANT TO SUBMIT THE RESULTS OF THE**
9 **AIR QUALITY SAMPLING AND THE EXPECTED AIR POLLUTANT LOADS FROM THE**
10 **PROPOSED ACTIVITY TO THE DEPARTMENT;**

11 **(IV) DETERMINE THE AIR QUALITY IMPACTS OF THE EXPECTED**
12 **POLLUTANT EMISSIONS FROM THE PROPOSED ACTIVITY, INCLUDING ANY MOBILE**
13 **SOURCE AIR EMISSIONS RESULTING FROM THE PROPOSED ACTIVITY AND THE**
14 **CURRENT AIR POLLUTANT LOAD FOR SIMILAR POLLUTANTS IN THE IMMEDIATE**
15 **AREA; AND**

16 **(V) DETERMINE THE POTENTIAL HEALTH EFFECTS OF ANY AIR**
17 **QUALITY IMPACTS.**

18 **(2) IF THE DEPARTMENT DETERMINES THAT THE POLLUTANTS OF**
19 **CONCERN ARE FINE PARTICULATE MATTER, NITROGEN OXIDES, OR VOLATILE**
20 **ORGANIC COMPOUNDS, AIR QUALITY SAMPLING MUST BE PERFORMED FOR THAT**
21 **POLLUTANT FOR AT LEAST 12 MONTHS BEFORE THE ISSUANCE OF A TENTATIVE**
22 **DETERMINATION REQUIRED UNDER § 1-604 OF THIS ARTICLE.**

23 **(E) (1) FOR ANY MAJOR SOURCE OR MAJOR MODIFICATION, THE**
24 **DEPARTMENT SHALL:**

25 **(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
26 **SUBSECTION, ISSUE TO THE APPLICANT AN AIR QUALITY SAMPLING PLAN THAT**
27 **REQUIRES SAMPLING OF ANY POLLUTANT OF CONCERN, INCLUDING ANY**
28 **POLLUTANT FOR WHICH THE POTENTIAL TO EMIT EXCEEDS THE MAJOR SOURCE**
29 **THRESHOLD SET BY THE DEPARTMENT AND THE FEDERAL CLEAN AIR ACT; AND**

30 **(II) REQUIRE THE APPLICANT TO MODEL EMISSIONS FROM ANY**
31 **MOBILE SOURCE ASSOCIATED WITH THE PROPOSED ACTIVITY AS PART OF THE AIR**
32 **IMPACT ANALYSIS REQUIRED UNDER THE PREVENTION OF SIGNIFICANT**
33 **DETERIORATION PROGRAM UNDER THE FEDERAL CLEAN AIR ACT.**

1 **(2) IF THE SOURCE'S POTENTIAL TO EMIT EXCEEDS MAJOR SOURCE**
2 **THRESHOLDS FOR FINE PARTICULATE MATTER, SULFUR DIOXIDE, NITROGEN**
3 **OXIDES, OR VOLATILE ORGANIC COMPOUNDS, AIR QUALITY SAMPLING SHALL BE**
4 **PERFORMED FOR AT LEAST 12 CONSECUTIVE MONTHS BEFORE THE ISSUANCE OF A**
5 **TENTATIVE DETERMINATION REQUIRED UNDER § 1-604 OF THIS ARTICLE.**

6 **(F) AN APPLICANT MAY SATISFY THE AIR QUALITY SAMPLING**
7 **REQUIREMENTS IN SUBSECTIONS (D) AND (E) OF THIS SECTION BY USING AIR**
8 **QUALITY SAMPLING CONDUCTED BY A DIFFERENT APPLICANT IF:**

9 **(1) THE AIR QUALITY SAMPLING CONDUCTED BY A DIFFERENT**
10 **APPLICANT MEETS ALL THE OTHER REQUIREMENTS OF THIS SECTION;**

11 **(2) THE AIR QUALITY SAMPLING CONDUCTED BY A DIFFERENT**
12 **APPLICANT HAS BEEN CONDUCTED WITHIN 2 YEARS OF THE ISSUANCE OF A FINAL**
13 **DETERMINATION BY THE DEPARTMENT; AND**

14 **(3) NO ADDITIONAL SOURCE REQUIRING A PERMIT TO CONSTRUCT**
15 **HAS COMMENCED OPERATION WITHIN 1 MILE OF THE COMMUNITY IN WHICH THE**
16 **MONITORING IS TO BE CONDUCTED SINCE THE PRIOR AIR QUALITY SAMPLING WAS**
17 **COMPLETED BY A DIFFERENT APPLICANT.**

18 **(G) (1) ON COMPLETION OF THE CUMULATIVE AIR IMPACT ANALYSIS,**
19 **THE DEPARTMENT SHALL ISSUE A REPORT CONTAINING ALL DATA RELEVANT TO**
20 **THE ANALYSIS AND ALL THE DEPARTMENT'S RELEVANT CONCLUSIONS.**

21 **(2) THE REPORT SHALL INCLUDE A CONCLUSION AS TO WHETHER**
22 **THE PROPOSED ACTIVITY WILL IMPACT THE IMMEDIATE AREA IN ONE OF THE**
23 **FOLLOWING WAYS:**

24 **(I) NO IMPACT;**

25 **(II) SOME IMPACT; OR**

26 **(III) SIGNIFICANT IMPACT.**

27 **(3) FOR NONMAJOR SOURCES OR NONMAJOR MODIFICATIONS, IF THE**
28 **DEPARTMENT CONCLUDES THAT THE PROPOSED ACTIVITY WILL HAVE SOME**
29 **IMPACT ON THE IMMEDIATE AREA, THEN THE DEPARTMENT MAY ISSUE THE PERMIT**
30 **ONLY IF:**

1 **(I) THE TERMS OF THE PERMIT REQUIRE THE APPLICANT TO**
2 **IMPLEMENT BEST AVAILABLE CONTROL TECHNOLOGY FOR THE EXPECTED AIR**
3 **POLLUTANTS; AND**

4 **(II) THE TERMS OF THE PERMIT INCLUDE PROVISIONS THAT**
5 **WILL MITIGATE THE EFFECTS OF ANY AIR POLLUTION THAT WILL BE EMITTED FROM**
6 **MOBILE SOURCES.**

7 **(4) FOR MAJOR SOURCES AND MAJOR MODIFICATIONS, IF THE**
8 **DEPARTMENT CONCLUDES THAT THE PROPOSED ACTIVITY WILL HAVE SOME**
9 **IMPACT ON THE IMMEDIATE AREA, THE DEPARTMENT MAY ISSUE THE PERMIT ONLY**
10 **IF THE TERMS OF THE PERMIT INCLUDE PROVISIONS THAT WILL MITIGATE THE**
11 **EFFECTS OF AIR POLLUTION EMITTED FROM MOBILE SOURCES SERVING THE**
12 **SOURCE.**

13 **(5) IF THE DEPARTMENT CONCLUDES THAT THE PROPOSED ACTIVITY**
14 **WILL HAVE A SIGNIFICANT IMPACT ON THE IMMEDIATE AREA, THE DEPARTMENT**
15 **SHALL:**

16 **(I) DENY THE PERMIT APPLICATION; OR**

17 **(II) ISSUE THE PERMIT WITH TERMS THAT PROHIBIT ALL**
18 **EXPECTED AIR POLLUTION FROM THE PROPOSED ACTIVITY AND MITIGATE**
19 **EXPECTED AIR POLLUTION FROM MOBILE SOURCES SERVING THE SOURCE.**

20 **(6) FOR APPLICATIONS FOR A CERTIFICATE OF PUBLIC**
21 **CONVENIENCE AND NECESSITY, THE REQUIREMENTS OF THIS SECTION SHALL BE**
22 **INCORPORATED INTO THE RECOMMENDED LICENSING CONDITIONS IN**
23 **ACCORDANCE WITH § 2-405(A) OF THIS TITLE.**

24 **(H) (1) THE DEPARTMENT SHALL ISSUE ITS REPORT AND CONCLUSIONS**
25 **AS PART OF THE TENTATIVE DETERMINATION REQUIRED UNDER § 1-604 OF THIS**
26 **ARTICLE.**

27 **(2) THE DEPARTMENT SHALL ISSUE THE TENTATIVE**
28 **DETERMINATION NO LATER THAN 120 DAYS AFTER THE APPLICANT SUBMITS THE**
29 **AIR QUALITY SAMPLING RESULTS REQUIRED UNDER SUBSECTIONS (D) AND (E) OF**
30 **THIS SECTION.**

31 **(I) (1) WHEN THE DEPARTMENT ISSUES A CUMULATIVE AIR IMPACT**
32 **ANALYSIS REPORT WITH A TENTATIVE DETERMINATION OF A PERMIT, THE**
33 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL REVIEW THE REPORT AND**

1 SUBMIT RECOMMENDATIONS TO THE DEPARTMENT WITHIN THE COMMENT PERIOD
2 ON THE TENTATIVE DETERMINATION.

3 (2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY
4 INCLUDE RECOMMENDATIONS RELATED TO ANY ELEMENT OF THE REPORT OR THE
5 TENTATIVE DETERMINATION, INCLUDING THE CONCLUSIONS, PERMIT TERMS, AND
6 ANALYSES.

7 (J) IF A FINAL DETERMINATION ON THE PERMIT APPLICATION IS
8 REQUIRED, THE FINAL DETERMINATION MUST ADDRESS ANY RECOMMENDATIONS
9 SUBMITTED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER
10 SUBSECTION (I) OF THIS SECTION.

11 2-1304.

12 (A) THE PUBLIC PARTICIPATION PROCESS FOR AN AIR QUALITY PERMIT TO
13 CONSTRUCT APPLICATION SUBJECT TO § 2-1303 OF THIS SUBTITLE SHALL
14 INCLUDE:

15 (1) THE REQUIREMENTS SET FORTH IN §§ 1-601 THROUGH 1-607 OF
16 THIS ARTICLE; AND

17 (2) THE REQUIREMENTS IN THIS SECTION.

18 (B) (1) WITHIN 15 DAYS AFTER THE DETERMINATION THAT THE
19 DEPARTMENT SHALL INITIATE A CUMULATIVE AIR IMPACT ANALYSIS FOR AN AIR
20 QUALITY TO CONSTRUCT APPLICATION, THE DEPARTMENT SHALL:

21 (i) MAIL NOTICE TO:

22 1. ALL RESIDENTS AND PROPERTY OWNERS, INCLUDING
23 SCHOOLS, HEALTH CENTERS, AND CHURCHES LOCATED WITHIN THE IMMEDIATE
24 AREA; AND

25 2. ELECTED OFFICIALS WHO REPRESENT ANY PORTION
26 OF THE IMMEDIATE AREA; AND

27 (ii) POST NOTICE AT THE PROPOSED SOURCE LOCATION AND AT
28 ALL PUBLIC FACILITIES WITHIN THE IMMEDIATE AREA.

29 (2) THE NOTICE SHALL COMPLY WITH THE REQUIREMENTS SET
30 FORTH IN § 1-602(A) AND (B) OF THIS ARTICLE AND SHALL INCLUDE:

1 **(I) THE DATE THAT THE AIR QUALITY PERMIT TO CONSTRUCT**
2 **APPLICATION WAS RECEIVED BY THE DEPARTMENT;**

3 **(II) THE DATE, TIME, AND LOCATION OF THE INFORMATIONAL**
4 **MEETING REQUIRED IN PARAGRAPH (4) OF THIS SUBSECTION;**

5 **(III) THE WEB ADDRESS FOR THE DEPARTMENT'S WEB SITE,**
6 **REQUIRED UNDER § 2-1305 OF THIS SUBTITLE;**

7 **(IV) THE PHONE NUMBER AND ELECTRONIC MAIL ADDRESS FOR**
8 **THE PERSON AT THE DEPARTMENT TO WHOM THE PUBLIC SHOULD ADDRESS ANY**
9 **QUESTIONS OR COMMENTS; AND**

10 **(V) INSTRUCTIONS FOR SUBMITTING PUBLIC COMMENTS,**
11 **INCLUDING A MAILING ADDRESS AND ELECTRONIC MAIL ADDRESS FOR SUBMITTING**
12 **COMMENTS AND THE DEADLINE FOR SUBMITTING COMMENTS.**

13 **(3) WITHIN 30 DAYS AFTER PROVIDING THE NOTICE REQUIRED**
14 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL HOLD AN**
15 **INFORMATIONAL MEETING IN THE IMMEDIATE AREA, OR WITHIN 1 MILE OF THE**
16 **IMMEDIATE AREA IF NO VENUE IS AVAILABLE WITHIN THE IMMEDIATE AREA.**

17 **(4) AT THE INFORMATIONAL MEETING, THE DEPARTMENT SHALL:**

18 **(I) PRESENT INFORMATION ABOUT THE PROPOSED ACTIVITY**
19 **AND ITS POTENTIAL IMPACTS, THE EXISTING ENVIRONMENTAL AND HEALTH**
20 **CONDITIONS IN THE IMMEDIATE AREA, THE PERMITTING AND CUMULATIVE AIR**
21 **IMPACT ANALYSIS PROCESSES, AND PUBLIC PARTICIPATION OPPORTUNITIES; AND**

22 **(II) PROVIDE AN OPPORTUNITY FOR ANY INTERESTED PERSON**
23 **TO ASK QUESTIONS AND COMMENT ON THE PROPOSED ACTIVITY OR THE EXISTING**
24 **HEALTH AND ENVIRONMENTAL CONDITIONS IN THE IMMEDIATE AREA.**

25 **(5) THE DEPARTMENT SHALL ALLOW 90 DAYS AFTER THE**
26 **INFORMATIONAL MEETING FOR ANY INTERESTED PERSON TO SUBMIT WRITTEN**
27 **COMMENTS REGARDING THE PROPOSED ACTIVITY OR THE EXISTING HEALTH AND**
28 **ENVIRONMENTAL CONDITIONS IN THE IMMEDIATE AREA.**

29 **(6) THE DEPARTMENT SHALL CONSIDER AND RESPOND TO ALL**
30 **COMMENTS RECEIVED AT THE INFORMATIONAL MEETING AND DURING THE**
31 **COMMENT PERIOD FOR THE CUMULATIVE AIR IMPACT ANALYSIS.**

1 **(7) ANY COMMENTS RECEIVED SHALL BE PART OF THE**
2 **ADMINISTRATIVE RECORD FOR THE AIR QUALITY PERMIT TO CONSTRUCT.**

3 **(8) WHEN THE DEPARTMENT PREPARES A TENTATIVE**
4 **DETERMINATION FOR THE AIR QUALITY PERMIT TO CONSTRUCT, IN ADDITION TO**
5 **THE REQUIREMENTS IN § 1-604 OF THIS ARTICLE, THE DEPARTMENT SHALL:**

6 **(I) PROVIDE NOTICE OF THE TENTATIVE DETERMINATION TO**
7 **THE PERSONS LISTED IN PARAGRAPH (1)(I)1 AND 2 OF THIS SUBSECTION;**

8 **(II) PRESENT THE TENTATIVE DETERMINATION AND**
9 **SUMMARIZE THE RESPONSE TO COMMENTS AT A REGULAR MEETING OF THE**
10 **MARYLAND COMMISSION FOR ENVIRONMENTAL JUSTICE AND SUSTAINABLE**
11 **COMMUNITIES, ESTABLISHED IN § 1-701 OF THIS ARTICLE;**

12 **(III) AUTOMATICALLY EXTEND THE PUBLIC COMMENT PERIOD**
13 **ON THE TENTATIVE DETERMINATION TO 90 CALENDAR DAYS; AND**

14 **(IV) HOLD A PUBLIC HEARING IN THE IMMEDIATE AREA OR**
15 **WITHIN 1 MILE OF THE IMMEDIATE AREA IF NO VENUE IS AVAILABLE WITHIN THE**
16 **IMMEDIATE AREA.**

17 **(9) IN ADDITION TO THE REQUIREMENTS UNDER § 1-602(A) AND (B)**
18 **OF THIS ARTICLE, THE NOTICE OF THE TENTATIVE DETERMINATION SHALL**
19 **INCLUDE:**

20 **(I) THE WEB ADDRESS FOR THE DEPARTMENT'S WEB SITE ON**
21 **WHICH THE TENTATIVE DETERMINATION IS POSTED; AND**

22 **(II) THE TELEPHONE NUMBER AND ELECTRONIC MAIL ADDRESS**
23 **OF A CONTACT PERSON AT THE DEPARTMENT WHO CAN PROVIDE MORE**
24 **INFORMATION OR DIRECTIONS FOR HOW TO OBTAIN COPIES OF A TENTATIVE**
25 **DETERMINATION.**

26 **(C) THE DEPARTMENT MAY REQUIRE THE APPLICANT TO PROVIDE**
27 **ADDITIONAL NOTICE AND OPPORTUNITIES FOR PUBLIC INPUT.**

28 **(D) THE DEPARTMENT SHALL ENSURE THAT ANY NOTICE, MEETING, OR**
29 **HEARING REQUIRED UNDER THIS SUBTITLE IS MEANINGFULLY ACCESSIBLE TO**
30 **INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY, AS DEFINED IN § 10-1102 OF**
31 **THE STATE GOVERNMENT ARTICLE.**

1 **(E) THE APPLICANT SHALL BEAR ALL COSTS INCURRED BY THE**
2 **DEPARTMENT IN CARRYING OUT THE NOTICE, INFORMATIONAL MEETING, AND**
3 **HEARING REQUIREMENTS OF THIS SECTION.**

4 **(F) ANY RENEWAL OF A PERMIT TO OPERATE FOR A SOURCE LOCATED IN A**
5 **PROTECTED COMMUNITY IS SUBJECT TO THE NOTICE, COMMENT, HEARING, AND**
6 **JUDICIAL REVIEW REQUIREMENTS IN TITLE 1, SUBTITLE 6 OF THIS ARTICLE.**

7 **2-1305.**

8 **(A) THE DEPARTMENT SHALL MAINTAIN ON ITS WEB SITE A LIST OF AIR**
9 **QUALITY PERMIT TO CONSTRUCT APPLICATIONS AND THE FOLLOWING**
10 **INFORMATION RELATED TO THE APPLICATIONS:**

11 **(1) THE ADDRESS OF THE PROPOSED ACTIVITY;**

12 **(2) THE DEFINED IMMEDIATE AREA;**

13 **(3) A FACT SHEET DESCRIBING EACH PROPOSAL IN PLAIN**
14 **LANGUAGE;**

15 **(4) ANY DOCUMENTS SUBMITTED BY THE APPLICANT REGARDING**
16 **THE PROPOSED ACTIVITY, INCLUDING POTENTIAL AIR POLLUTION LOADS AND AIR**
17 **MONITORING RESULTS;**

18 **(5) ANY DOCUMENTS ISSUED BY THE DEPARTMENT RELATED TO THE**
19 **PROPOSED ACTIVITY, INCLUDING MODELING, DATA ANALYSIS, AND THE**
20 **DEPARTMENT'S FINAL REPORT;**

21 **(6) ANY DOCUMENTS ISSUED BY THE DEPARTMENT OF HEALTH AND**
22 **MENTAL HYGIENE RELATED TO THE PROPOSED ACTIVITY, INCLUDING ANY**
23 **RECOMMENDATIONS AND SUPPORTING DOCUMENTS;**

24 **(7) ANY PUBLIC COMMENTS SUBMITTED;**

25 **(8) THE STATUS OF THE PROJECT; AND**

26 **(9) THE TELEPHONE NUMBER AND ELECTRONIC MAIL ADDRESS OF A**
27 **CONTACT PERSON AT THE DEPARTMENT WHO CAN PROVIDE MORE INFORMATION.**

28 **(B) IF THE DEPARTMENT ISSUES AN AIR QUALITY PERMIT TO CONSTRUCT**
29 **TO THE APPLICANT, THE DEPARTMENT SHALL POST ANNUAL EMISSIONS**
30 **CERTIFICATION REPORTS ON ITS WEB SITE WITHIN A REASONABLE PERIOD OF TIME.**

1 **2-1306.**

2 (A) (1) ON OR BEFORE OCTOBER 1, 2017, THE DEPARTMENT AND THE
3 DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL:

4 (I) IDENTIFY FACTORS THAT CONTRIBUTE TO THE NEGATIVE
5 EFFECTS OF CUMULATIVE IMPACTS OF POLLUTION AND OTHER STRESSORS ON A
6 COMMUNITY, INCLUDING TRAFFIC AND ASTHMA;

7 (II) REVIEW THE CURRENT STATE OF SCIENCE ON CUMULATIVE
8 IMPACT ANALYSES AND ENVIRONMENTAL JUSTICE SCREENING TOOLS DEVELOPED
9 BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND OTHER STATES; AND

10 (III) REVIEW THE HEALTH AND DEMOGRAPHIC DATA IN THE
11 STATE, INCLUDING TRAFFIC AND ASTHMA AT A ZIP CODE LEVEL.

12 (2) AFTER OCTOBER 1, 2017, THE DEPARTMENT AND THE
13 DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL UNDERTAKE THE DUTIES
14 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION EVERY 5 YEARS.

15 (B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND
16 MENTAL HYGIENE SHALL COLLECT EMERGENCY DEPARTMENT VISIT DATA
17 REGARDING ASTHMA AT THE ZIP CODE LEVEL.

18 (2) THE DEPARTMENT SHALL:

19 (I) MAKE THE DATA COLLECTED UNDER THIS SUBSECTION
20 AVAILABLE TO THE PUBLIC; AND

21 (II) UPDATE THE DATA ANNUALLY.

22 (C) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL
23 HYGIENE SHALL COLLECT ANY OTHER DATA AS NECESSARY TO CARRY OUT THE
24 DUTIES IDENTIFIED IN THIS SECTION.

25 (D) (1) THE DEPARTMENT MAY EXPAND THE GEOGRAPHIC SCOPE OF A
26 PROTECTED COMMUNITY BY REGULATION.

27 (2) THE DEPARTMENT MAY NOT DEFINE THE GEOGRAPHIC SCOPE OF
28 A PROTECTED COMMUNITY SO NARROWLY THAT A CUMULATIVE AIR IMPACT
29 ANALYSIS NEED NOT BE CONDUCTED ANYWHERE IN THE STATE.

1 **(E) (1) THE DEPARTMENT SHALL DEVELOP A LIST OF ZIP CODES THAT**
2 **QUALIFY AS A PROTECTED COMMUNITY AND UPDATE THE LIST ANNUALLY.**

3 **(2) THE LIST REQUIRED IN THIS SUBSECTION SHALL BE MADE**
4 **AVAILABLE TO THE PUBLIC ON REQUEST.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2015.