

SENATE BILL 966

M3, Q2

5lr0910

By: **Howard County Senators**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Ambient Air Quality Control – Permit Applications, Permit**
3 **Holders, and Property Tax Credit**

4 **Ho. Co. 6–25**

5 FOR the purpose of requiring the Department of the Environment to provide for an
6 informational meeting on certain applications for certain permits to engage in
7 activities located in Howard County; requiring Howard County, if a certain request
8 is made, to hold a public meeting before verifying that a certain proposal or source
9 satisfies zoning and land use requirements; requiring certain holders of a permit to
10 engage in certain activities in Howard County to provide annual emissions reports
11 to certain community associations; authorizing the governing body of Howard
12 County to grant, by law, a property tax credit against the county property tax
13 imposed on owner–occupied residential real property that is located within a certain
14 distance of a site for which certain permits or registrations have been issued; and
15 generally relating to ambient air quality control in Howard County.

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 1–603 and 2–404
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Environment
23 Section 2–407
24 Annotated Code of Maryland
25 (2013 Replacement Volume and 2024 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Tax – Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–315(a)(5) and (6) and (b)
 2 Annotated Code of Maryland
 3 (2019 Replacement Volume and 2024 Supplement)

4 BY adding to
 5 Article – Tax – Property
 6 Section 9–315(a)(7)
 7 Annotated Code of Maryland
 8 (2019 Replacement Volume and 2024 Supplement)

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

11 **Article – Environment**

12 1–603.

13 (a) The Department shall cause to be published notice of applications for permits.

14 (b) The Department shall assure that applications for permits shall be available
 15 to the public for inspection and copying.

16 (c) (1) **(I)** [Upon] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 17 **SUBSECTION, ON** written request made within 10 working days after publication of a
 18 notice of application, or in its own discretion, the Department shall provide an opportunity
 19 for an informational meeting with respect to the application.

20 **[(2)] (II)** The informational meeting may be canceled if all persons who
 21 made timely written requests withdraw the requests prior to the meeting.

22 **(2) (I) IF AN APPLICATION IS FOR AN AIR QUALITY CONTROL**
 23 **PERMIT UNDER § 2–404 OF THIS ARTICLE FOR AN ACTIVITY LOCATED IN HOWARD**
 24 **COUNTY, THE DEPARTMENT SHALL PROVIDE FOR AN INFORMATIONAL MEETING**
 25 **WITH RESPECT TO THE APPLICATION.**

26 **(II) THE INFORMATIONAL MEETING MAY BE CANCELED IF THE**
 27 **MEMBERS OF THE HOWARD COUNTY DELEGATION TO THE GENERAL ASSEMBLY**
 28 **REQUEST THAT THE INFORMATIONAL MEETING NOT BE HELD.**

29 (3) Unless the notice of application contained a notice of the informational
 30 meeting, the Department shall publish notice of the informational meeting.

31 (d) (1) The Department may require the applicant to attend an informational
 32 meeting or public hearing and present information concerning the application.

1 (2) If the applicant fails to appear and present information after a request
2 from the Department, the application may be denied.

3 2–404.

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

5 (1) Construction of a new source;

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

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

13 (b) (1) **[Before] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
14 **BEFORE** accepting an application for a permit subject to subsection (c) of this section, the
15 Department shall require the applicant to submit documentation:

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

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

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

22 **(3) IF THE DEPARTMENT OR AN APPLICANT REQUESTS THAT**
23 **HOWARD COUNTY PROVIDE DOCUMENTATION OR VERIFICATION THAT A PROPOSAL**
24 **OR SOURCE SATISFIES ALL ZONING AND LAND USE REQUIREMENTS, BEFORE**
25 **PROVIDING THE DOCUMENTATION OR VERIFICATION, THE COUNTY SHALL**
26 **PUBLICIZE AND HOLD A PUBLIC MEETING WHERE INTERESTED PARTIES AND**
27 **CITIZENS HAVE THE OPPORTUNITY TO PROVIDE TESTIMONY.**

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

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

1 (2) Any source which is subject to federal standards under 40 C.F.R. Part
2 61 (National Emission Standards for Hazardous Air Pollutants) or 40 C.F.R. 52.21
3 (Prevention of Significant Deterioration); or

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

7 (d) (1) On receipt of an application for a permit subject to subsection (c) of this
8 section, the Department shall give notice immediately or require the applicant to give
9 notice immediately of the application to:

10 (i) The governing body of each county or municipal corporation in
11 which any portion of the source is located or is proposed to be located;

12 (ii) The governing body of each county or municipal corporation
13 within one mile of the property line of the source or the proposed location of the source;

14 (iii) Each member of the General Assembly representing any part of
15 a county in which any portion of the source is located or proposed to be located; and

16 (iv) Each member of the General Assembly representing any part of
17 each county within one mile of the property line of the source or the proposed location of
18 the source.

19 (2) In addition to the requirements under paragraph (1) of this subsection,
20 before issuing a permit subject to subsection (c) of this section, the Department shall:

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

23 (ii) Conduct any public hearing required by Title 1, Subtitle 6 of this
24 article.

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

29 (e) Before issuing a permit for the activities listed in subsection (a) of this section
30 at any source which is subject to federal standards under 40 C.F.R. Part 60 (New Source
31 Performance Standards), the Department shall:

32 (1) Comply with the provisions of subsection (d) of this section; or

33 (2) (i) Electronically post a notice of an application for the permit on
34 the Department's website in accordance with § 1-602(b)(1) of this article;

1 (ii) Give notice to the chief executive of any county or municipal
2 corporation in which any portion of the source is located or is proposed to be located; and

3 (iii) Receive comments from the public on the permit application.

4 (f) The provisions of this section do not apply to any permit to construct control
5 equipment on an existing source or to any permit to operate.

6 **2-407.**

7 **(A) THIS SECTION APPLIES TO THE HOLDER OF A PERMIT AUTHORIZED**
8 **UNDER THIS SUBTITLE THAT AUTHORIZES ACTIVITIES LOCATED IN HOWARD**
9 **COUNTY.**

10 **(B) IF THE HOLDER OF THE PERMIT IS ENGAGED IN AN ACTIVITY**
11 **AUTHORIZED BY THE PERMIT WITHIN 1 MILE OF A PROPERTY THAT IS ZONED FOR**
12 **RESIDENTIAL USE AND THE HOLDER OF THE PERMIT PREVIOUSLY OWNED THE**
13 **PROPERTY, THE HOLDER OF THE PERMIT SHALL PROVIDE ANNUAL EMISSIONS**
14 **REPORTS TO ANY COMMUNITY ASSOCIATIONS THAT REPRESENT THE OWNERS OF**
15 **THE PROPERTY.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
17 as follows:

18 **Article – Tax – Property**

19 9-315.

20 (a) The governing body of Howard County may grant, by law, a property tax credit
21 under this section against the county property tax imposed on:

22 (5) subject to subsection (b) of this section, owner-occupied residential real
23 property that is jointly owned by an individual and the Howard County Housing
24 Commission; [and]

25 (6) subject to subsection (b) of this section, residential or commercial real
26 property that has suffered damage caused by a natural disaster; AND

27 **(7) SUBJECT TO SUBSECTION (B) OF THIS SECTION,**
28 **OWNER-OCCUPIED RESIDENTIAL REAL PROPERTY THAT IS LOCATED WITHIN**
29 **ONE-HALF MILE OF A SITE FOR WHICH A PERMIT OR REGISTRATION REQUIRED**
30 **UNDER § 2-401 OR § 2-404 OF THE ENVIRONMENT ARTICLE HAS BEEN ISSUED.**

1 (b) In establishing a tax credit under subsection (a)(3) through [(6)] (7) of this
2 section, the governing body of Howard County:

3 (1) shall develop criteria necessary to implement the credit;

4 (2) shall designate an agency to administer the credit; and

5 (3) may specify:

6 (i) the amount and duration of the credit;

7 (ii) the qualifications and application procedures for the credit; and

8 (iii) any other requirement or procedure for the granting or
9 administration of the credit that the governing body considers appropriate.

10 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2026,
11 the Howard County Executive and County Council of Howard County shall report to the
12 members of the Howard County Delegation to the General Assembly, in accordance with §
13 2–1257 of the State Government Article, on:

14 (1) the county’s authority to adopt ambient air quality standards that are
15 more restrictive than the standards set under State law or by the Department of the
16 Environment; and

17 (2) a plan on how the county could implement ambient air quality
18 standards that are more restrictive than the standards set under State law or by the
19 Department of the Environment.

20 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
21 effect October 1, 2025.

22 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
23 applicable to all taxable years beginning after June 30, 2025.

24 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section
25 4 of this Act, this Act shall take effect June 1, 2025.