

HOUSE BILL 95

M3

3lr0060

By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: January 15, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – Permits – New Source Performance Standards**

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

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 2–404
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2012 Supplement)

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

15 **Article – Environment**

16 2–404.

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

18 (1) Construction of a new source;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **(2) (I) ELECTRONICALLY POST A NOTICE OF AN APPLICATION**
15 **FOR THE PERMIT ON THE DEPARTMENT'S WEB SITE IN ACCORDANCE WITH §**
16 **1-602(B)(2) OF THIS TITLE;**

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.