

AND OFF THE COAST OF THE UNITED STATES AND WHICH ARE USED OR INTENDED FOR USE AS A PORT OR TERMINAL FOR THE LOADING OR UNLOADING AND FURTHER HANDLING OF HYDROCARBONS AND THEIR PRODUCTS FOR TRANSPORTATION TO ANY STATE, EXCEPT AS OTHERWISE PROVIDED IN SECTION 23 OF THE FEDERAL ACT. A DEEPWATER PORT IS A "NEW SOURCE" FOR PURPOSES OF THE FEDERAL CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT.

(F) "FEDERAL ACT" MEANS THE FEDERAL DEEPWATER PORT ACT OF 1974.

(G) "FEDERAL SECRETARY" MEANS THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

(H) "MARINE ENVIRONMENT" MEANS THE COASTAL ENVIRONMENT, STATE WATERS OF THE CONTIGUOUS ZONE, AND STATE WATERS OF THE HIGH SEAS; THE FISH, WILDLIFE, AND OTHER LIVING RESOURCES OF THE WATERS; AND THE RECREATIONAL AND SCENIC VALUES OF THE WATERS AND RESOURCES.

(I) "HYDROCARBON" MEANS PETROLEUM, CRUDE OIL, ANY SUBSTANCE REFINED FROM PETROLEUM OR CRUDE OIL AND NATURAL GAS.

3-603. RESTRICTION ON STATE APPLICANTS.

THE GOVERNOR, A STATE AGENCY OR OFFICIAL MAY NOT REPRESENT THE STATE, INDIVIDUALLY OR BY JOINT AGREEMENTS AND COMPACTS, AS AN APPLICANT UNDER THE FEDERAL ACT WITHOUT EXPRESS AUTHORIZATION UNDER STATE LAW.

3-604. DUTIES OF THE SECRETARY OF NATURAL RESOURCES.

IN ORDER TO CARRY OUT THE POLICY OF THIS SUBTITLE, THE SECRETARY OF NATURAL RESOURCES SHALL:

(A) ON HIS OR THE GOVERNOR'S DETERMINATION THAT THE STATE'S INTEREST SHOULD BE CONSIDERED IN AN APPLICATION PROCEEDING UNDER THE FEDERAL ACT, REQUEST THE FEDERAL SECRETARY TO DESIGNATE THE STATE OF MARYLAND AS AN "ADJACENT COASTAL STATE". THE REQUEST SHALL BE COMMUNICATED ONLY WITH THE APPROVAL OF THE GOVERNOR AND SHALL INCLUDE EVIDENCE TO SUPPORT THE CONCLUSION THAT THERE IS A RISK OF DAMAGE TO THE COASTAL ENVIRONMENT OF THE STATE EQUAL TO OR GREATER THAN THE RISK POSED TO A STATE DIRECTLY CONNECTED BY PIPELINE TO THE PROPOSED DEEPWATER PORT. A REQUEST SHALL BE COMMUNICATED IN ACCORDANCE WITH SECTION 9 (A) (2) OF THE FEDERAL ACT;

(B) DETERMINE AND COLLECT REIMBURSEMENT FOR THOSE COSTS TO THE STATE ASSOCIATED WITH THE PROCESSING OF AN APPLICATION FOR WHICH THE APPLICANT IS RESPONSIBLE TO THE STATE UNDER THE FEDERAL ACT;

(C) PRESENT THE VIEWS OF THE STATE TO THE FEDERAL SECRETARY, OTHER THAN THOSE REQUIRED UNDER SUBSECTION