

(4) ACTUAL CONSTRUCTION OF BUILDINGS, APART FROM ANY POSSIBLE EMISSION PRODUCING MACHINERY HOUSED IN THE BUILDINGS;

(5) ANY PARKING GARAGE; OR

(6) ANY PARKING LOT.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Article 43, § 706(a).

2-403. SAME -- FEES.

(A) IN GENERAL.

THE DEPARTMENT, BY RULE OR REGULATION, SHALL REQUIRE AND COLLECT A FEE FOR EACH PERMIT ISSUED UNDER § 2-401 OF THIS SUBTITLE.

(B) AMOUNT.

THE AMOUNT OF THE FEE SHALL COVER:

(1) THE REASONABLE COST OF REVIEWING AND ACTING ON THE APPLICATION FOR THE PERMIT; AND

(2) THE REASONABLE COSTS INCURRED IN IMPLEMENTING AND ENFORCING THE TERMS AND CONDITIONS OF THE PERMIT, EXCLUSIVE OF ANY COURT COSTS OR OTHER COSTS ASSOCIATED WITH ANY ENFORCEMENT ACTION.

(C) DISPOSITION OF FUNDS.

THE DEPARTMENT SHALL PAY ALL FUNDS COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 706(b) and (c).

In subsection (a) of this section, the reference in former Article 43, § 706(b) to certain actions occurring within 6 months after adoption of regulations or guidelines under § 110(a)(2)(k) of the Federal Clean Air Act is deleted as obsolete since the federal government already has adopted the required guidelines.

In subsection (b)(2) of this section, the references in former Article 43, § 706(b)(2) to July 1, 1979, are deleted as obsolete.

The Maryland Court of Appeals has held that the Department may not require a permit for an