

As used in this section and § 54B herein, the term "construction" is defined to include any clearing of land, excavation, or other action that would affect the natural environment of the site or route of bulk power supply facilities, but does not include changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

54B.

(a) After July 1, 1972, an electric company, as defined in Article 78, § 2(f), in order to obtain the certificate of public convenience and necessity as required by § 54A of this article for construction to begin after July 1, 1974, shall file the application for the certificate with the Public Service Commission at least two years prior to commencement of construction of an electric generating station and its associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts, or exercising the right of eminent domain in connection to it. This two year provision may be waived by the Commission for good cause shown. The application shall contain such information as the Commission requests and the company shall also furnish the Commission such information as it may further request from time to time. On receipt of the application and information, the Commission shall notify all interested persons including the following Maryland agencies: the Department of Natural Resources, Department of the Environment, Department of Transportation, Department of Economic and Employment Development, Department of Agriculture, and [Department] OFFICE of [State] Planning. After receipt of all information, and as the Commission deems necessary and after publication as the Commission deems proper, the Commission at the public hearing required by § 54A shall insure presentation of the information and recommendations from these agencies, shall permit the official representative of the agencies to sit during hearing of all parties and, based on evidence relating to their areas of concern, shall allow the agencies 15 days, after conclusion of the hearing, to modify, affirm, or amend their initial recommendations. Within 90 days after the hearing the Commission shall grant or deny the permit or grant it subject to such conditions as it may find appropriate, and notify all interested parties. The decision shall be by a majority of the members of the Commission and in any instance requiring a conditional permit failure to reach majority agreement on the conditions to be attached shall result in a denial. The granting of the certificate shall also constitute authority to dredge and construct bulkheads in the waters or private wetlands of the State and to appropriate or use such waters. In addition, the certificate shall also constitute registration and a permit, as required under Title 2, Subtitle 4 of the Environment Article for the air emissions, if any, resulting from the operation of the plant.