

(2) A DECISION ENTERED PURSUANT TO THIS SUBSECTION SHALL BE APPEALABLE IN THE SAME MANNER AS A DECISION BY THE DEPARTMENT OFFICIAL OR ADMINISTRATIVE LAW JUDGE AFTER A CONTESTED CASE HEARING.

2-404. AMBIENT AIR QUALITY CONTROL PERMITS; NOTICE; HEARINGS.

(a) The Department shall comply with the provisions in subsection (b) of this section before issuing a permit to construct:

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

(2) Any source which is subject to federal standards under 40 CFR Part 60 (New Source Performance Standards), 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or 40 CFR 52.21 (Prevention of Significant Deterioration); or

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

(b) (1) Before issuing a permit to construct for any source listed in subsection (a) of this section, the Department shall:

(i) [Give public notice of the intended issuance of the permit] COMPLY WITH THE PROVISIONS OF TITLE 1, SUBTITLE 6 OF THIS ARTICLE; and

(ii) [Provide an opportunity for a public hearing in the county in which the proposed source will be located] CONDUCT ANY PUBLIC HEARING REQUIRED BY TITLE 1, SUBTITLE 6 OF THIS ARTICLE IN THE COUNTY IN WHICH THE PROPOSED SOURCE IS LOCATED.

(2) In addition to the requirements under paragraph (1) of this subsection, before issuing a permit to construct a source described in subsection (a)(3) of this section, the Department shall:

(i) Require at the expense of the applicant the preparation of an ambient air quality impact analysis regarding the proposed construction; and

(ii) Require from the applicant a written statement certifying that the source meets all applicable zoning and land use requirements.

[(c) If the Department receives a written request for a public hearing within 10 days of the public notice required under subsection (b) of this section, the Department shall schedule a public hearing and give public notice of the date, time, location, and subject of the hearing, at least 30 days before the scheduled hearing.

(d) Except for a notice in the Maryland Register, any notice required under subsection (b) or (c) of this section shall be in a form approved by the Department and published in a newspaper of general circulation in the area concerned at the expense of the applicant.