

(H) "REGULATED EMISSIONS" MEANS THE ACTUAL RATE OF EMISSIONS, IN TONS PER YEAR, OF ANY REGISTERED POLLUTANT EMITTED BY A SOURCE, TO BE CALCULATED USING CRITERIA CONSISTENT WITH 40 CFR 70 (OPERATING PERMIT PROGRAM), AND SUBJECT TO A LIMIT OF 4,000 TONS PER YEAR OF ANY SINGLE POLLUTANT.

[(h)](I) "Source" means any person or property that contributes to air pollution.

2-401.

Except as provided in § 2-402 of this subtitle, the Department may adopt [rules or] regulations that require a permit or registration before a person constructs, modifies, operates, or uses a source that may cause or control emissions into the air.

2-402.

The Department may not require a permit or registration for:

- (1) Any machinery or equipment that normally is used in a mobile manner;
- (2) Any boiler used exclusively to operate steam engines for farm and domestic use;
- (3) The construction of a generating station constructed by an electric company;
- (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.

2-403.

(a) (1) The Department, by [rule or] regulation, shall require and collect a fee for each permit issued under § 2-401 of this subtitle;

(2) In adopting the [rules and] regulations under this section, the Department shall consult with industry to determine that the permit fee is reasonable and directly related to the actual cost of the permitting and regulatory activity, and does not exceed a certain dollar amount.

(b) (1) The amount of the [fee] FEES shall cover:

[(1)](I) The reasonable cost of reviewing and acting on the application for the [permit; and] PERMITS;

[(2)](II) The reasonable costs incurred in implementing and enforcing the terms and conditions of the [permit,] PERMITS, exclusive of any court costs or other costs associated with any enforcement [action.] ACTIONS; AND

(III) THE COSTS IDENTIFIED IN § 502(B)(3) OF THE CLEAN AIR ACT AMENDMENTS OF 1990.