

(I) THAT DEMONSTRATES THAT THE PROPOSAL MEETS HAS BEEN APPROVED BY THE LOCAL JURISDICTION FOR ALL ZONING AND LAND USE REQUIREMENTS; OR

(II) THAT THE SOURCE MEETS ALL APPLICABLE ZONING AND LAND USE REQUIREMENTS.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY APPLICATION FOR A PERMIT TO CONSTRUCT AT AN EXISTING SOURCE UNLESS THE EXISTING SOURCE IS A NONCONFORMING USE.

[(a)](B) The Department shall comply with the provisions in subsection [(b)] (C) 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)](C) (1) Before issuing a permit to construct for any source listed in subsection [(a)] (B) of this section, the Department shall:

(i) Comply with the provisions of Title 1, Subtitle 6 of this article; and

(ii) 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)] (B)(3) of this section, the Department shall[:

(i) Require] 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)](D) The provisions of this section do not apply to any permit to construct control equipment on an existing source.