

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Environment**

2-404.

(A) THIS SECTION APPLIES TO THE FOLLOWING ACTIVITIES:

- (1) CONSTRUCTION OF A NEW SOURCE;
- (2) REPLACEMENT OF COMPONENTS OF AN EXISTING PERMITTED SOURCE, IF THE FIXED CAPITAL COST OF THE REPLACEMENT COMPONENTS EXCEEDS ONE-HALF OF THE FIXED CAPITAL COST THAT WOULD BE REQUIRED TO CONSTRUCT A NEW SOURCE COMPARABLE IN PROCESS TO THE EXISTING SOURCE; AND
- (3) MODIFICATION OF AN EXISTING PERMITTED SOURCE BY MAKING A PHYSICAL OR OPERATIONAL CHANGE TO THE SOURCE THAT WILL RESULT IN A SIGNIFICANT NET INCREASE IN EMISSIONS OF ANY POLLUTANT FROM THAT SOURCE.

[(a)] (B) (1) Before accepting an application for a permit ~~to construct any source listed in~~ SUBJECT TO subsection [(b)] (C) of this section, the Department shall require the applicant to submit documentation:

- (i) That demonstrates that the proposal 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.

[(b)] (C) The Department shall comply with the provisions in subsection [(c)] (D) of this section before issuing a permit ~~to construct OR MODIFY~~ FOR THE ACTIVITIES LISTED IN SUBSECTION (A) OF THIS SECTION AT:

- (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.

[(c)] (D) (1) Before issuing a permit ~~to construct for any source listed in~~ SUBJECT TO subsection [(b)] (C) of this section, the Department shall: