

modification of certain permitted sources under certain circumstances; clarifying that certain requirements do not apply to certain permits to operate; and generally relating to air quality permitting.

BY repealing and reenacting, with amendments,

Article – Environment

Section 2-404

Annotated Code of Maryland

(1993 Replacement Volume and 1995 Supplement)

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:~~

~~(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) 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)~~ (B) (1) Before accepting an application for a permit to construct any source listed in SUBJECT TO subsection ~~{(b)}~~ ~~(C)~~ (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