

(D) (1) AN APPLICANT FOR AN AIR QUALITY OPERATING PERMIT MAY SEEK JUDICIAL REVIEW IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) EXCEPT FOR AN APPLICANT AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, A PERSON IS NOT ENTITLED TO A CONTESTED CASE HEARING REGARDING TITLE V OPERATING PERMITS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved May 16, 2002.

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**CHAPTER 438**

**(House Bill 5)**

AN ACT concerning

**Environmental Standing - Judicial Review - Title V Operating Permits**

FOR the purpose of expanding who has standing to seek judicial review of certain final decisions by the Department of the Environment on certain air quality operating permits; specifying how the judicial review shall be conducted; specifying where the judicial review shall be conducted; making this Act an emergency measure; and generally relating to judicial review of final decisions on certain air quality operating permits.

BY adding to

Article - Environment

Section 2-404.1

Annotated Code of Maryland

(1996 Replacement Volume and 2001 Supplement)

Preamble

WHEREAS, On December 3, 2001 the Department of the Environment lost federal approval of its Clean Air Act Title V air quality permit program; and

WHEREAS, The General Assembly finds that, for the Department to be able to implement an approved State Title V air quality permit program, the standing requirements for judicial review of operating permits issued pursuant to Title V of the Clean Air Act must be broadened; and