

WHEREAS, The General Assembly declares that this Act is intended to expand standing for the Title V air quality operating permit program without creating any precedent for any other permit program; now, therefore,

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

Article - Environment

2-404.1.

(A) EXCEPT FOR AN APPLICANT WHO ELECTS TO PROCEED UNDER SUBSECTION (D) OF THIS SECTION, A FINAL DECISION BY THE DEPARTMENT ON THE ISSUANCE, RENEWAL, OR REVISION OF AN OPERATING PERMIT ISSUED PURSUANT TO TITLE V OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990 IS SUBJECT TO JUDICIAL REVIEW BY ANY PERSON WHO:

(1) MEETS THE THRESHOLD STANDING REQUIREMENTS UNDER FEDERAL CONSTITUTIONAL LAW; AND

(2) PARTICIPATED IN A PUBLIC PARTICIPATION PROCESS THROUGH THE SUBMISSION OF WRITTEN OR ORAL COMMENTS, UNLESS AN OPPORTUNITY FOR PUBLIC PARTICIPATION WAS NOT REQUIRED BY STATUTE OR REGULATION.

(B) JUDICIAL REVIEW SHALL BE ON THE ADMINISTRATIVE RECORD BEFORE THE DEPARTMENT AND LIMITED TO OBJECTIONS RAISED DURING THE PUBLIC COMMENT PERIOD, UNLESS THE PETITIONER DEMONSTRATES:

(1) THAT THE OBJECTIONS WERE NOT REASONABLY ASCERTAINABLE DURING THE COMMENT PERIOD; OR

(2) THAT GROUNDS FOR THE OBJECTIONS AROSE AFTER THE COMMENT PERIOD.

(C) UNLESS OTHERWISE REQUIRED BY STATUTE, A PETITION FOR JUDICIAL REVIEW BY A PERSON WHO MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY IN WHICH ANY PARTY RESIDES OR HAS A PRINCIPAL PLACE OF BUSINESS.

(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.