

- (4) Actual construction of buildings, apart from any possible emission producing machinery housed in the buildings;
- (5) Any parking garage; or
- (6) Any parking lot.

2-405.

(a) (1) Whenever the Public Service Commission notifies the Secretary of an application for a certificate of public convenience and necessity under Article 78, § 54A of the Code, the Secretary shall prepare a recommendation in connection with the permit or registration required by this subtitle. The recommendation shall be presented at the hearing required by Article 78, § 54A of the Code.

(2) THE RECOMMENDATION SHALL IDENTIFY THE REQUIREMENTS OF ALL APPLICABLE FEDERAL AND STATE ENVIRONMENTAL LAWS AND STANDARDS AND SHALL RECOMMEND AND EVALUATE VARIOUS METHODS AND CONDITIONS FOR COMPLIANCE.

(3) IF AN ELECTRIC COMPANY FILES AN APPLICATION FOR AN OPERATING PERMIT SIMULTANEOUSLY WITH AN APPLICATION FOR A CERTIFICATE, THE DEPARTMENT SHALL CONSOLIDATE ITS PROCEDURES FOR THE ISSUANCE OF THE OPERATING PERMIT WITH THE PUBLIC SERVICE COMMISSION'S PROCEEDINGS FOR ISSUANCE OF THE CERTIFICATE AND SHALL ISSUE THE OPERATING PERMIT SIMULTANEOUSLY WITH THE CERTIFICATE UNLESS CONSOLIDATION WOULD BE INCONSISTENT WITH THE PROCEDURES SET FORTH IN THE FEDERAL CLEAN AIR ACT.

(4) THE DEPARTMENT SHALL INCORPORATE INTO THE INITIAL OPERATING PERMIT THE CONDITIONS OF THE CERTIFICATE WHICH RELATE TO AIR QUALITY CONTROL.

(b) Subject to judicial review as provided under Article 78, §§ 89 through 98 of the Code, the decision of the Public Service Commission in connection with a certificate of public convenience and necessity ~~OR THE MODIFICATION OF A GENERATING STATION OR UNIT A FILING UNDER ARTICLE 78, § 54L OF THE CODE~~ is binding on the Secretary.

(C) ANY ELECTRIC COMPANY UPON APPLICATION FOR AN OPERATING PERMIT FOR A GENERATING STATION UNDER THIS SUBTITLE SHALL SEND A COPY OF THE APPLICATION, AT THE TIME OF FILING, TO THE PUBLIC SERVICE COMMISSION.

(D) THE DEPARTMENT SHALL CONSOLIDATE PROCEDURES FOR THE ISSUANCE OF THE OPERATING PERMIT WITH PROCEDURES OF THE PUBLIC SERVICE COMMISSION FOR THE APPROVAL OF MODIFICATION BY THE PUBLIC SERVICE COMMISSION THE INSTALLATION OF POLLUTION