

10 AN ACT CONCERNING

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

30 FOR the purpose of expanding who has standing to seek judicial review of certain
40 final decisions by the Department of the Environment on certain air quality
50 operating permits; specifying how the judicial review shall be conducted; and
60 generally relating to judicial review of final decisions on air quality operating
70 permits.

80 BY adding to
90 Article - Environment
100 Section 2-404.1
110 Annotated Code of Maryland
120 (1996 Replacement Volume and 2000 Supplement)

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

150 **Article - Environment**

160 2-404.1.

170 (A) EXCEPT FOR AN APPLICANT AS PROVIDED IN SUBSECTION (C)
180 OF THIS SECTION, A FINAL DECISION BY THE DEPARTMENT
190 ON THE ISSUANCE, RENEWAL, OR REVISION OF AN
200 OPERATING PERMIT ISSUED PURSUANT TO TITLE V OF THE
210 FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990 IS SUBJECT
220 JUDICIAL REVIEW BY ANY PERSON WHO:

230 (1) WOULD HAVE STANDING TO SUE WITH RESPECT TO THE
240 MATTER UNDER APPLICABLE FEDERAL LAW; AND

250 (2) PARTICIPATED IN A PUBLIC PARTICIPATION PROCESS
260 THROUGH THE SUBMISSION OF WRITTEN OR ORAL
270 COMMENTS, UNLESS A PUBLIC PARTICIPATION
280 PROCESS IS NOT PROVIDED.

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

330 (1) THAT IT WAS IMPRACTICAL TO RAISE THE
340 OBJECTIONS DURING THE COMMENT PERIOD; OR

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

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

400 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
410 effect July 1, 2002.

420 MANDATES: Governor Parris N. Glendening
430 Lieutenant Governor Kathleen Kennedy Townsend
440 Delegate Ronald A. Guns
450 Delegate James W. Hubbard
460 Senator Brian E. Frosh

Sponsor:

The Governor
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