

AFFECTED FACILITY DOES NOT EXCEED THE CUMULATIVE EMISSIONS BUDGET FOR ALL OF THE AFFECTED FACILITIES THAT THE PERSON OWNS, LEASES, OPERATES, OR CONTROLS.

(3) IF AN AFFECTED FACILITY PERMANENTLY CEASES OPERATION, THE DEPARTMENT:

(I) SHALL SUBTRACT THE EMISSIONS BUDGET FOR THAT AFFECTED FACILITY FROM THE EMISSIONS LIMITATIONS ESTABLISHED IN SUBSECTIONS (A), (B), (C), AND (D) OF THIS SECTION; AND

(II) MAY NOT INCREASE EXISTING EMISSIONS BUDGETS FOR ALL OTHER AFFECTED FACILITIES.

~~(D)~~ (F) (1) ON OR AFTER JANUARY 1, 2010, A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY SHALL:

(4) ACHIEVE A MINIMUM ~~90%~~ 80% CAPTURE OF INLET MERCURY FOR EACH AFFECTED FACILITY, CALCULATED AS A ROLLING 12-MONTH AVERAGE; AND

(2) ON OR AFTER JANUARY 1, ~~2012~~ 2013, A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY SHALL ACHIEVE A MINIMUM 90% CAPTURE OF INLET MERCURY FOR EACH AFFECTED FACILITY, CALCULATED AS A ROLLING 12-MONTH AVERAGE.

~~(2)~~ (3) A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY SHALL DEMONSTRATE COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION THROUGH THE DIRECT MONITORING OF MERCURY EMISSIONS ON A CONTINUOUS BASIS, ACCORDING TO THE REQUIREMENTS OF 40 C.F.R. PART 60, 60.49A(P), 60.4170-60.4176, AND 40 C.F.R. PART 75, SUBPART I.

(4) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH A PROCEDURE TO BE USED TO DETERMINE A BASELINE AMOUNT OF MERCURY AT EACH AFFECTED FACILITY FOR PURPOSES OF CALCULATING THE CAPTURE RATE REQUIRED UNDER THIS SUBSECTION.

~~(E)~~ (G) (1) NOT LATER THAN JUNE 30, 2007;

(4) THE GOVERNOR SHALL INCLUDE THE STATE AS A FULL PARTICIPANT IN THE REGIONAL GREENHOUSE GAS INITIATIVE AMONG MID-ATLANTIC AND NORTHEAST STATES; OR

~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS TO REQUIRE A 10% REDUCTION OF CARBON DIOXIDE EMISSIONS FROM AFFECTED FACILITIES BY 2018, THROUGH AN IN-STATE SYSTEM FOR TRADING AND TRACKING CARBON DIOXIDE EMISSIONS IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.~~

~~(F) AS PART OF THE SYSTEM REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION, THE DEPARTMENT SHALL:~~

~~(1) CREATE A BASELINE EMISSION LEVEL BY ESTABLISHING ALLOWANCES FOR THE EMISSION OF CARBON DIOXIDE EQUIVALENT TO THE 2004 CARBON DIOXIDE EMISSIONS OF THE AFFECTED FACILITIES AS FOLLOWS:~~