

(3) IF THE REGIONAL GREENHOUSE GAS INITIATIVE EXPIRES AND THERE IS A SUCCESSOR ORGANIZATION WITH THE SAME PURPOSES AND GOALS, THE GOVERNOR IS ENCOURAGED TO JOIN THE STATE IN THE SUCCESSOR ORGANIZATION.

(4) IF THE STATE'S PARTICIPATION IN THE REGIONAL GREENHOUSE GAS INITIATIVE CEASES FOR ANY REASON, THE GOVERNOR SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REGARDING:

(I) WHY PARTICIPATION CEASED; AND

(II) A PLAN TO REDUCE CARBON DIOXIDE EMISSIONS FROM POWER PLANTS IN THE STATE THAT CONSIDERS THE USE OF MARYLAND GROWN, NATIVE, WARM SEASON GRASSES AS A POSSIBLE METHOD OF REDUCING CARBON EMISSION.

~~(E)~~ (H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO AFFECT EXISTING OR FUTURE EMISSIONS REQUIREMENTS, STANDARDS, OR LIMITATIONS IMPOSED ON ELECTRICITY GENERATORS BY ANY OTHER EXISTING OR FUTURE PROVISION OF LAW THAT WOULD RESULT IN EMISSIONS REDUCTIONS IN ADDITION TO THOSE REQUIRED UNDER THIS SECTION.

~~(H)~~ (I) (1) A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY THAT IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION MAY DETERMINE HOW BEST TO ACHIEVE THE COLLECTIVE EMISSIONS REQUIREMENTS UNDER SUBSECTIONS (A), (B), ~~AND (C)~~, AND (D) OF THIS SECTION.

(2) (I) IF A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY CAN DEMONSTRATE, WITH CLEAR AND CONVINCING EVIDENCE, THAT THE POLLUTION CONTROL EQUIPMENT THAT IS NECESSARY TO ACHIEVE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION IS UNATTAINABLE, DUE TO A LACK OF AVAILABLE SUPPLY, THE DEPARTMENT MAY REDUCE OR WAIVE ANY PENALTY DUE TO THE FAILURE TO ATTAIN COMPLIANCE UNTIL THE POLLUTION CONTROL EQUIPMENT BECOMES ATTAINABLE.

(II) IF A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY CAN DEMONSTRATE, WITH CLEAR AND CONVINCING EVIDENCE, THAT THE POLLUTION CONTROL EQUIPMENT THAT IS NECESSARY TO ACHIEVE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION HAS SIGNIFICANTLY INCREASED IN COST DUE TO THE LIMITED AMOUNT OF SUPPLY AND, AS A RESULT, MAY SIGNIFICANTLY INCREASE ELECTRIC RATES, THE DEPARTMENT MAY REDUCE OR WAIVE ANY PENALTY DUE TO THE FAILURE TO ATTAIN COMPLIANCE UNTIL THE SUPPLY OF POLLUTION CONTROL EQUIPMENT BECOMES AVAILABLE SO AS TO REASONABLY LOWER THE COST OF THE POLLUTION CONTROL EQUIPMENT.

(III) IN DETERMINING WHETHER TO REDUCE OR WAIVE ANY PENALTY UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL CONSULT WITH THE PUBLIC SERVICE COMMISSION AS TO THE AVAILABILITY AND COST OF THE POLLUTION CONTROL EQUIPMENT.