

- (1) EMISSIONS PERFORMANCE RESULTS RELATED TO COMPLIANCE WITH THE EMISSIONS REQUIREMENTS UNDER § 2-1002 OF THIS SUBTITLE;
- (2) THE NUMBER OF POUNDS OF OXIDES OF NITROGEN, SULFUR DIOXIDE, MERCURY, AND CARBON DIOXIDE EMITTED DURING THE PREVIOUS CALENDAR YEAR FROM THE AFFECTED FACILITY;
- (3) A CURRENT COMPLIANCE PLAN; AND
- (4) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT.

(B) THE DEPARTMENT SHALL REVIEW THE INFORMATION SUBMITTED UNDER THIS SECTION TO DETERMINE WHETHER THE ACTUAL AND PROPOSED MODIFICATIONS AND PERMIT AND CONSTRUCTION SCHEDULES ARE ADEQUATE TO ACHIEVE THE EMISSIONS REQUIREMENTS UNDER THIS SUBTITLE AND SHALL MAKE THESE DETERMINATIONS PUBLICLY AVAILABLE ON AN ANNUAL BASIS.

(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL ALLOW THE R.P. SMITH FACILITY, UNITS 3 AND 4, TO OPERATE WITHOUT COMPLYING WITH THE EMISSIONS REQUIREMENTS UNDER THIS SUBTITLE IF PJM INTERCONNECTION, INC. DETERMINES THAT THE TERMINATION OF OPERATION OF THE FACILITY WILL ADVERSELY AFFECT THE RELIABILITY OF ELECTRICAL SERVICE IN THE PJM REGION.

(2) IF THE DEPARTMENT ALLOWS THE R.P. SMITH FACILITY, UNITS 3 AND 4, TO OPERATE WITHOUT COMPLYING WITH THE EMISSIONS REQUIREMENTS UNDER THIS SUBTITLE IN ACCORDANCE WITH THIS SUBSECTION:

(I) THE FACILITY MAY NOT OPERATE AT EMISSIONS LEVELS GREATER THAN THE HIGHEST LEVEL MEASURED AT THE FACILITY DURING THE CALENDAR YEARS 2000 THROUGH 2004; AND

(II) THE DEPARTMENT SHALL REVIEW THE OPERATIONS OF THE FACILITY AND ADOPT REGULATIONS TO ESTABLISH AN ALTERNATIVE EMISSIONS REQUIREMENT FOR THE FACILITY.

2-1004.

BY JUNE 30, 2007, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

2-1005.

~~(A) THE CRIMINAL PENALTY PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE CIVIL PENALTY PROVISIONS PROVIDED UNDER § 2-610 OF THIS TITLE.~~

~~(B) (1) A PERSON MAY NOT KNOWINGLY ACT OR FAIL TO ACT IN VIOLATION OF THE PROVISIONS OF THIS SUBTITLE OR THE REGULATIONS ADOPTED UNDER THIS SUBTITLE.~~

~~(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~