

~~(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; OR~~

~~(II) FOR A VIOLATION COMMITTED AFTER A FIRST CONVICTION UNDER THIS SECTION, A FINE NOT EXCEEDING \$50,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.~~

~~(3) EACH DAY ON WHICH A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.~~

~~(C) A CRIMINAL PROSECUTION FOR A VIOLATION BROUGHT UNDER THIS SECTION SHALL BE INSTITUTED WITHIN 2 YEARS AFTER THE VIOLATION WAS COMMITTED.~~

(A) (1) THE ALLOWANCE PENALTY PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE ADMINISTRATIVE AND CIVIL PENALTY PROVISIONS PROVIDED UNDER §§ 2-604, 2-609, 2-610, AND 2-610.1 OF THIS TITLE.

(2) EACH ONE-HALF OUNCE OF MERCURY AND EACH TON OF SULFUR DIOXIDE OR NITROGEN OXIDES EMITTED IN EXCESS OF THE LIMITATIONS SET FORTH OR IMPOSED IN ACCORDANCE WITH § 2-1002 OF THIS SUBTITLE SHALL BE A SEPARATE VIOLATION UNDER §§ 2-610 AND 2-610.1 OF THIS TITLE.

~~(3) FOR ANY VIOLATION OF ANY EMISSIONS LIMITATION SET FORTH OR IMPOSED UNDER § 2-1002(A) THROUGH (D) OF THIS SUBTITLE, THE DEPARTMENT MAY, INSTEAD OF IMPOSING CIVIL OR ADMINISTRATIVE PENALTIES UNDER § 2-610 OR § 2-610.1 OF THIS TITLE, ACCEPT THE VOLUNTARY SURRENDER OF SULFUR DIOXIDE OR OXIDES OF NITROGEN EMISSION ALLOWANCES.~~

(B) IF, IN ANY CALENDAR YEAR DURING THE PERIOD FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2012, A PERSON FAILS TO ACHIEVE AND MAINTAIN FULL COMPLIANCE WITH THE EMISSIONS LIMITATIONS ESTABLISHED BY THE DEPARTMENT UNDER § 2-1002(E) OF THIS SUBTITLE, THE PERSON SHALL SURRENDER:

(1) ONE SULFUR DIOXIDE ALLOWANCE FOR EACH TON OF SULFUR DIOXIDE EMITTED IN EXCESS OF THE EMISSION RATE LIMITATION; AND

(2) ONE OXIDE OF NITROGEN ALLOWANCE FOR EVERY 2 TONS OF SULFUR DIOXIDE EMITTED IN EXCESS OF THE EMISSION RATE LIMITATION.

(C) IF, IN ANY CALENDAR YEAR, DURING THE PERIOD FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2011, A PERSON FAILS TO ACHIEVE FULL COMPLIANCE WITH THE OXIDES OF NITROGEN EMISSION LIMITATIONS IN § 2-1002(A) AND (C) OF THIS SUBTITLE, THE PERSON SHALL SURRENDER ONE OXIDE OF NITROGEN ALLOWANCE FOR EACH TON OF OXIDES OF NITROGEN EMITTED IN EXCESS OF THE REQUIRED EMISSION RATE LIMITATION.

(D) A PERSON THAT SURRENDERS ALLOWANCES IN ACCORDANCE WITH SUBSECTIONS (B) OR (C) OF THIS SECTION SHALL SURRENDER THE ALLOWANCES TO THE DEPARTMENT'S SURRENDER ACCOUNT BY MARCH 1 OF THE YEAR FOLLOWING