

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

~~(1) ACHIEVE A MINIMUM 90% CAPTURE OF INLET MERCURY FOR EACH AFFECTED FACILITY, CALCULATED AS A ROLLING 12 MONTH AVERAGE, AND~~

~~(2) 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.~~

~~(E) NOT LATER THAN JUNE 30, 2007:~~

~~(1) 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 2019, 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:~~

~~(I) THE DEPARTMENT SHALL GRANT UP TO 75% OF THE ALLOWANCES TO THE OWNERS OF THE AFFECTED FACILITIES IN PROPORTION TO THEIR 2004 EMISSIONS;~~

~~(II) THE DEPARTMENT SHALL AUCTION AT LEAST 25% OF THE ALLOWANCES, WITH THE PROCEEDS DEPOSITED IN THE MARYLAND CARBON REDUCTION FUND ESTABLISHED UNDER § 9-2009 OF THE STATE GOVERNMENT ARTICLE;~~

~~(III) EFFECTIVE JANUARY 1, 2000, A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY MAY NOT EMIT MORE CARBON DIOXIDE THAN THE TOTAL ALLOWANCES HELD BY THE PERSON;~~

~~(IV) EFFECTIVE JANUARY 1, 2015, THE NUMBER OF TONS OF CARBON DIOXIDE REPRESENTED BY EACH ALLOWANCE SHALL BE REDUCED BY 2.5% PER YEAR, SUCH THAT EACH ALLOWANCE IN 2018 WILL REPRESENT 10% LESS THAN EACH ALLOWANCE IN 2014;~~

~~(V) FOR THE PURPOSES OF THIS SUBSECTION, CARBON DIOXIDE EMISSIONS SHALL BE CALCULATED USING FUEL USE DATA AS REPORTED ON FORM 906, SUBMITTED TO THE U.S. ENERGY INFORMATION ADMINISTRATION; AND~~

~~(VI) UP TO 3.2% OF THE EMISSIONS OF CARBON DIOXIDE OF AN AFFECTED FACILITY MAY BE OFFSET BY CREDITS OBTAINED FROM ANY SPONSOR OF~~