

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) (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.

(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