

(I) THE FAILURE OF THE DEPARTMENT OR THE PUBLIC SERVICE COMMISSION TO COMPLY WITH THIS SECTION IS NOT A DEFENSE TO AN ACTION AGAINST AN ELECTRIC COMPANY TO ENFORCE, TO OBTAIN, OR TO PUNISH FOR NONCOMPLIANCE WITH ANY PERMIT, CERTIFICATE, ORDER, OR INJUNCTION.

(J) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION. THE SECRETARY MAY NOT REQUIRE A PERMIT NOR REQUIRE THE PAYMENT OF A PERMIT FEE IN VIOLATION OF THE FEDERAL CLEAN AIR ACT.

Article 78 - Public Service Commission Law

54B.

(a) After July 1, 1972, an electric company, as defined in Article 78, § 2(f), in order to obtain the certificate of public convenience and necessity as required by § 54A of this article for construction to begin after July 1, 1974, shall file the application for the certificate with the Public Service Commission at least two years prior to commencement of construction of an electric generating station and its associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts, or exercising the right of eminent domain in connection to it. This two year provision may be waived by the Commission for good cause shown. The application shall contain such information as the Commission requests and the company shall also furnish the Commission such information as it may further request from time to time. On receipt of the application and information, the Commission shall notify all interested persons including the following Maryland agencies: the Department of Natural Resources, Department of the Environment, Department of Transportation, Department of Economic and Employment Development, Department of Agriculture, and Office of Planning. After receipt of all information, and as the Commission deems necessary and after publication as the Commission deems proper, the Commission at the public hearing required by § 54A shall insure presentation of the information and recommendations from these agencies, shall permit the official representative of the agencies to sit during hearing of all parties and, based on evidence relating to their areas of concern, shall allow the agencies 15 days, after conclusion of the hearing, to modify, affirm, or amend their initial recommendations. Within 90 days after the hearing the Commission shall grant or deny the permit or grant it subject to such conditions as it may find appropriate, and notify all interested parties. THE COMMISSION SHALL INCLUDE IN THE PERMIT THE REQUIREMENTS OF THE FEDERAL AND STATE ENVIRONMENTAL LAWS AND STANDARDS AS IDENTIFIED BY THE DEPARTMENT OF THE ENVIRONMENT AND THE METHODS AND CONDITIONS WHICH THE COMMISSION DETERMINES ARE APPROPRIATE TO COMPLY WITH THE ENVIRONMENTAL LAWS AND STANDARDS. THE COMMISSION MAY NOT ADOPT ANY METHOD OR CONDITION WHICH IS IDENTIFIED BY THE DEPARTMENT OF THE ENVIRONMENT AS INADEQUATE TO COMPLY DETERMINES TO BE INCONSISTENT WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND STANDARDS. The decision shall be by a majority of the members of the Commission and in any instance requiring a conditional permit failure to reach majority agreement on the conditions to be attached shall result in a denial. The