

(PRE-FILED)

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By: **Delegates Leopold, Cadden, and Rosso**  
Requested: August 24, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Electric Power Plants and Generating Stations - Approval Process -**  
3 **Modifications and Construction**

4 FOR the purpose of expanding the application of the Public Service Commission  
5 approval process for proposed modifications to electric power plants and  
6 generating stations to all persons seeking a modification; expanding the  
7 application of the Public Service Commission approval process for construction  
8 of a generating station and associated transmission lines to all persons seeking  
9 to construct a generating station; and generally relating to the modification of  
10 electric power plants and the modification and construction of generating  
11 stations and associated transmission lines.

12 BY repealing and reenacting, without amendments,  
13 Article - Public Utility Companies  
14 Section 7-205(a)  
15 Annotated Code of Maryland  
16 (1998 Volume and 2000 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Public Utility Companies  
19 Section 7-205(b), 7-206, and 7-208(a), (b), (c), and (h)  
20 Annotated Code of Maryland  
21 (1998 Volume and 2000 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Public Utility Companies**

25 7-205.

26 (a) (1) In this section, "modification" means a physical alteration of,  
27 replacement of, or other change to the facilities at a power plant, or a change in the

1 fuel used by the plant, that could result in a change of the air emissions from the  
2 plant or from a generating unit of the plant.

3 (2) "Modification" does not include:

4 (i) routine maintenance or repairs of the facilities of a power plant;  
5 or

6 (ii) a change that would result in ambient air quality levels less  
7 than or equal to the levels that were a basis for the issuance of a prior certificate of  
8 public convenience and necessity under § 7-207 of this subtitle.

9 (b) Subject to subsections (c) through (e) of this section, [an electric company]  
10 A PERSON may not commence a modification without the prior approval of the  
11 Commission under this title.

12 7-206.

13 (a) This section applies to the installation of pollution control equipment or a  
14 change in the method of operation at a generating station that [an electric company]  
15 A PERSON performs in order to comply with Phase II pollution control requirements of  
16 the federal Clean Air Act.

17 (b) [An electric company] A PERSON that performs an installation or change  
18 in operation under subsection (a) of this section shall obtain prior review and  
19 approval of the Commission in accordance with:

20 (1) §§ 7-203, 7-207, and 7-208 of this subtitle; and

21 (2) the procedures set forth in § 7-205 of this subtitle and § 2-405 of the  
22 Environment Article.

23 7-208.

24 (a) This section applies to [an electric company] A PERSON:

25 (1) constructing a generating station and its associated overhead  
26 transmission lines designed to carry a voltage in excess of 69,000 volts; or

27 (2) exercising the right of condemnation in connection with the  
28 construction.

29 (b) (1) To obtain the certificate of public convenience and necessity required  
30 under § 7-207 of this subtitle for construction under this section, [an electric  
31 company] A PERSON shall file an application with the Commission at least 2 years  
32 before construction of the facility will commence.

33 (2) The Commission may waive the 2-year requirement on a showing of  
34 good cause.

35 (c) [An electric company] A PERSON shall:

1 (1) include in an application under this section the information that the  
2 Commission requests initially; and

3 (2) furnish any additional information that the Commission requests  
4 subsequently.

5 (h) The grant of a certificate by the Commission to [an electric company] A  
6 PERSON under subsection (e) of this section constitutes:

7 (1) authority for the company to dredge and construct bulkheads in the  
8 waters or private wetlands of the State and to appropriate or use the waters; and

9 (2) registration for the construction of any facility necessary to control  
10 emissions into the air resulting from the operation of the generating station, as  
11 required under Title 2, Subtitle 4 of the Environment Article.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2001.