
By: **Delegates Rosso, Leopold, Cadden, and D'Amato**
Introduced and read first time: January 12, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity - Power Plant Modification - Approval**

3 FOR the purpose of altering the scope of modifications to power plants that require
4 prior approval of the Public Service Commission by including those
5 modifications that would result in certain ambient air quality levels and the use
6 of certain materials; and generally relating to power plants and the Public
7 Service Commission.

8 BY repealing and reenacting, with amendments,
9 Article - Public Utility Companies
10 Section 7-205
11 Annotated Code of Maryland
12 (1998 Volume and 2000 Supplement)

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

15 **Article - Public Utility Companies**

16 7-205.

17 (a) (1) In this section, "modification" means a physical alteration of,
18 replacement of, or other change to the facilities at a power plant, or a change in the
19 fuel used by the plant, that could result in a change of the air emissions from the
20 plant or from a generating unit of the plant.

21 (2) "Modification" does not include:

22 (i) routine maintenance or repairs of the facilities of a power plant;
23 or

24 (ii) a change that would result in ambient air quality levels less
25 than or equal to the levels that were a basis for the issuance of a prior certificate of
26 public convenience and necessity under § 7-207 of this subtitle, EXCEPT FOR A
27 CHANGE THAT DIRECTLY INVOLVES THE USE OF ANHYDROUS OR AQUEOUS
28 AMMONIA.

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

4 (c) (1) Unless the Commission orders otherwise, an application for a
5 modification to a power plant shall be filed with the Commission at least 180 days
6 before the date on which the modification is to commence.

7 (2) The applicant for the modification shall submit to the Commission
8 and to the Department of the Environment all information relating to the
9 modification, including:

10 (i) detailed plans and specifications; and

11 (ii) the impact of the modification on air quality.

12 (d) The Commission shall render its decision within 150 days after the day the
13 application is filed.

14 (e) Notwithstanding the provisions of this section, a modification to a power
15 plant that involves the short-term inability to obtain the type of fuel normally used
16 by the plant is subject to Title 2, Subtitle 5 of the Environment Article.

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