

SENATE BILL 901

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2002 Regular Session
2lr2712

By: **Senator Mooney**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 20, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Utility Generating Station Construction - Moratorium**

3 FOR the purpose of prohibiting the Public Service Commission from issuing a
4 certificate of public convenience and necessity for the construction of an electric
5 generating station until Maryland achieves compliance with the ozone standard
6 required by the Environmental Protection Agency; requiring the Department of
7 the Environment to provide certain notice to the Commission; and generally
8 relating to electric generating station construction.

9 BY adding to

10 Article - Public Utility Companies
11 Section 7-212
12 Annotated Code of Maryland
13 (1998 Volume and 2001 Supplement)

14 **Preamble**

15 WHEREAS, Maryland is not in attainment of the national primary ambient
16 quality standard for ozone under the federal Clean Air Act; and

17 WHEREAS, Other states such as Kentucky and Tennessee have restricted
18 power plant construction in an effort to address ozone and related air pollution
19 concerns; and

20 WHEREAS, The citizens of Maryland and Frederick County are concerned
21 about quality of the air in Maryland; now, therefore,

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

1

Article - Public Utility Companies

2 7-212.

3 THE COMMISSION MAY NOT ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE
4 AND NECESSITY FOR AN ELECTRIC GENERATING STATION UNTIL THE STATE
5 ACHIEVES OVERALL COMPLIANCE WITH THE NATIONAL PRIMARY AMBIENT AIR
6 QUALITY STANDARD FOR OZONE REQUIRED BY THE UNITED STATES
7 ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7511A AND RELATED
8 PROVISIONS OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
10 Environment shall notify the Public Service Commission of the State's achievement of
11 the national primary ambient air quality standard for ozone under this Act
12 immediately on receiving notification of that achievement from the United States
13 Environmental Protection Agency.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.