
By: **Delegates Hubbard, Barve, Bobo, Bronrott, and Montgomery**
Introduced and read first time: February 13, 2004
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Air Quality - Limits on Emissions from Coal-Fired Generating Units**

3 FOR the purpose of prohibiting certain investor-owned public utilities that own or
4 operate certain coal-fired generating units from exceeding lowest achievable
5 emission rates for oxides of nitrogen and sulfur dioxide; requiring certain
6 investor-owned public utilities that own or operate certain coal-fired
7 generating units to capture a certain percentage of emissions of mercury by a
8 certain date; requiring certain investor-owned public utilities that own or
9 operate certain coal-fired generating units to either increase certain electric
10 generation efficiency by a certain percentage by a certain date or reduce certain
11 emissions of carbon dioxide by a certain percentage by a certain date; providing
12 for the interpretation of this Act; allowing certain investor-owned public
13 utilities to determine the method of compliance; authorizing the Governor to
14 enter into certain emissions allowances transfer agreements; continuing the
15 applicability of the emissions limits under certain circumstances; requiring the
16 State Treasurer to hold certain emissions allowances unless otherwise
17 authorized by statute; requiring the Department of the Environment to adopt
18 certain regulations related to certain emissions limits; requiring certain
19 investor-owned public utilities to submit, to the Department of the
20 Environment, the Department of Natural Resources, and the Public Service
21 Commission, a certain compliance plan by a certain date; requiring certain
22 investor-owned public utilities to annually submit, to the Department of the
23 Environment, the Department of Natural Resources, and the Public Service
24 Commission, certain information related to compliance with certain emissions
25 limits by a certain date; requiring the Secretary of the Environment to review
26 certain information; providing for criminal penalties for a violation of this Act;
27 establishing the Medicaid Managed Care Organization Fund; establishing the
28 purpose of the Fund; providing for the administration of the Fund; establishing
29 the composition of the Fund; limiting the uses of the Fund; providing for
30 investment of moneys in the Fund; establishing a certain intent of the Fund;
31 providing that revenues from certain penalties be deposited in the Medicaid
32 Managed Care Organization Fund; defining certain terms; requiring the
33 Governor to induce states and entities to achieve certain emissions reductions;
34 requiring the Department of the Environment to study certain issues relating to
35 the desirability and feasibility of certain reductions in emissions of oxides of

1 nitrogen and sulfur dioxide and to report its findings and recommendations to
2 certain committees of the General Assembly on or before a certain date;
3 requiring the Department of the Environment in conjunction with the
4 Department of Natural Resources to study certain issues relating to certain
5 emissions of mercury and carbon dioxide and to report its preliminary and final
6 findings and recommendations to certain committees of the General Assembly
7 on or before certain dates; and generally relating to limits on emissions from
8 coal-fired generating units.

9 BY adding to
10 Article - Environment
11 Section 2-1001 through 2-1004, inclusive, to be under the new subtitle "Subtitle
12 10. Emissions from Coal-Fired Generating Units"
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2003 Supplement)

15 BY adding to
16 Article - Health - General
17 Section 15-141
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

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

22 **Article - Environment**

23 **SUBTITLE 10. EMISSIONS FROM COAL-FIRED GENERATING UNITS.**

24 2-1001.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) "BOILER" MEANS AN ENCLOSED FOSSIL OR OTHER FUEL-FIRED
28 COMBUSTION DEVICE USED TO PRODUCE HEAT AND TO TRANSFER HEAT TO
29 RECIRCULATING WATER, STEAM, OR OTHER MEDIUM.

30 (C) "COAL-FIRED GENERATING UNIT" MEANS A STATIONARY BOILER,
31 COMBUSTION TURBINE, OR COMBINED CYCLE SYSTEM THAT PRODUCES
32 ELECTRICITY THROUGH THE COMBUSTION OF COAL, ALONE OR IN COMBINATION
33 WITH ANY OTHER FUEL, WHERE COAL ACTUALLY COMBUSTED COMPRISES MORE
34 THAN 50% OF THE ANNUAL HEAT INPUT ON A BTU BASIS.

35 (D) "COMBINED CYCLE SYSTEM" MEANS A SYSTEM COMPRISED OF ONE OR
36 MORE COMBUSTION TURBINES, HEAT RECOVERY STEAM GENERATORS, AND STEAM
37 TURBINES CONFIGURED TO IMPROVE OVERALL EFFICIENCY OF ELECTRICITY
38 GENERATION OR STEAM PRODUCTION.

1 (E) "COMBUSTION TURBINE" MEANS AN ENCLOSED FOSSIL OR OTHER
2 FUEL-FIRED DEVICE THAT IS COMPRISED OF A COMPRESSOR, A COMBUSTOR, AND A
3 TURBINE, AND IN WHICH THE FLUE GAS RESULTING FROM THE COMBUSTION OF
4 FUEL IN THE COMBUSTOR PASSES THROUGH THE TURBINE, ROTATING THE
5 TURBINE.

6 (F) (1) "ENVIRONMENTAL COMPLIANCE COSTS" MEANS CAPITAL COSTS
7 INCURRED BY AN INVESTOR-OWNED PUBLIC UTILITY TO COMPLY WITH THE
8 EMISSIONS LIMITS OF § 2-1002 OF THIS SUBTITLE THAT EXCEED THE COSTS
9 REQUIRED TO COMPLY WITH:

10 (I) 42 U.S.C. § 7410(A)(2)(D)(I)(I), THE CORRESPONDING FEDERAL
11 REGULATIONS, AND THE ASSOCIATED STATE OR FEDERAL IMPLEMENTATION PLAN;
12 OR

13 (II) 42 U.S.C. § 7426 AND THE CORRESPONDING FEDERAL
14 REGULATIONS.

15 (2) "ENVIRONMENTAL COMPLIANCE COSTS" DO NOT INCLUDE:

16 (I) COSTS REQUIRED TO COMPLY WITH A FINAL ORDER OR
17 JUDGMENT RENDERED BY A STATE OR FEDERAL COURT UNDER WHICH AN
18 INVESTOR-OWNED PUBLIC UTILITY IS FOUND LIABLE FOR A FAILURE TO COMPLY
19 WITH ANY FEDERAL OR STATE LAW, RULE, OR REGULATION FOR THE PROTECTION
20 OF THE ENVIRONMENT OR PUBLIC HEALTH;

21 (II) THE NET INCREASE IN COSTS, ABOVE THOSE PROPOSED BY
22 THE INVESTOR-OWNED PUBLIC UTILITY AS PART OF ITS PLAN TO ACHIEVE
23 COMPLIANCE WITH THE EMISSIONS LIMITS OF § 2-1002 OF THIS SUBTITLE, THAT ARE
24 NECESSARY TO COMPLY WITH A SETTLEMENT AGREEMENT, CONSENT DECREE, OR
25 SIMILAR RESOLUTION OF LITIGATION ARISING FROM ANY ALLEGED FAILURE TO
26 COMPLY WITH ANY FEDERAL OR STATE LAW, RULE, OR REGULATION FOR THE
27 PROTECTION OF THE ENVIRONMENT OR PUBLIC HEALTH;

28 (III) ANY CRIMINAL OR CIVIL FINE OR PENALTY, INCLUDING COURT
29 COSTS, IMPOSED ON OR ASSESSED TO AN INVESTOR-OWNED PUBLIC UTILITY FOR
30 VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR REGULATION FOR THE
31 PROTECTION OF THE ENVIRONMENT OR PUBLIC HEALTH; OR

32 (IV) THE NET INCREASE IN COSTS, ABOVE THOSE PROPOSED BY
33 THE INVESTOR-OWNED PUBLIC UTILITY AS PART OF ITS PLAN TO ACHIEVE
34 COMPLIANCE WITH THE EMISSIONS LIMITS OF § 2-1002 OF THIS SUBTITLE, THAT ARE
35 NECESSARY TO COMPLY WITH ANY LIMITATION ON EMISSIONS OF OXIDES OF
36 NITROGEN OR SULFUR DIOXIDE THAT ARE IMPOSED ON AN INDIVIDUAL COAL-FIRED
37 GENERATING UNIT BY THE DEPARTMENT OF THE ENVIRONMENT TO ADDRESS ANY
38 NONATTAINMENT OF AN AIR QUALITY STANDARD IN ANY AREA OF THE STATE.

39 (G) "LOWEST ACHIEVABLE EMISSION RATE" MEANS, SUBJECT TO THE
40 LIMITATION THAT A PROPOSED NEW OR MODIFIED SOURCE MAY NOT EMIT ANY
41 POLLUTANT IN EXCESS OF THE AMOUNT ALLOWABLE UNDER APPLICABLE NEW

1 SOURCE STANDARDS OF PERFORMANCE, FOR ANY SOURCE, THE MORE STRINGENT
2 RATE OF EMISSIONS THAT REFLECTS:

3 (1) THE MOST STRINGENT EMISSION LIMITATION THAT IS CONTAINED
4 IN THE IMPLEMENTATION PLAN OF ANY STATE FOR THAT CLASS OR CATEGORY OF
5 SOURCE, UNLESS THE OWNER OR OPERATOR OF THE PROPOSED SOURCE
6 DEMONSTRATES THAT THE LIMITATION IS NOT ACHIEVABLE; OR

7 (2) THE MOST STRINGENT EMISSION LIMITATION THAT IS ACHIEVED IN
8 PRACTICE BY THAT CLASS OR CATEGORY OF SOURCE.

9 (H) "PUBLIC UTILITY" MEANS A COMPANY THAT OWNS OR OPERATES IN THE
10 STATE EQUIPMENT OR FACILITIES FOR PRODUCING, GENERATING, TRANSMITTING,
11 DELIVERING, OR FURNISHING ELECTRICITY, STEAM, OR ANY OTHER LIKE AGENCY
12 FOR THE PRODUCTION OF LIGHT, HEAT, OR POWER TO OR FOR THE PUBLIC FOR
13 COMPENSATION.

14 2-1002.

15 (A) THIS SUBTITLE ONLY APPLIES TO A COAL-FIRED GENERATING UNIT
16 THAT:

17 (1) IS LOCATED IN THE STATE; AND

18 (2) HAS THE CAPACITY TO GENERATE 25 OR MORE MEGAWATTS OF
19 ELECTRICITY.

20 (B) AN INVESTOR-OWNED PUBLIC UTILITY THAT OWNS OR OPERATES ONE OR
21 MORE COAL-FIRED UTILITY UNITS:

22 (1) ON OR BEFORE DECEMBER 31, 2010, MAY NOT COLLECTIVELY EMIT
23 FROM THOSE UNITS MORE THAN THE LOWEST ACHIEVABLE EMISSION RATE OF
24 OXIDES OF NITROGEN;

25 (2) ON OR BEFORE DECEMBER 31, 2012, MAY NOT COLLECTIVELY EMIT
26 FROM THOSE UNITS MORE THAN THE LOWEST ACHIEVABLE EMISSION RATE OF
27 OXIDES OF SULFUR DIOXIDE;

28 (3) ON OR BEFORE DECEMBER 31, 2008, SHALL CAPTURE AT LEAST 90%
29 OF MERCURY IN THE COAL EMISSIONS FROM THOSE UNITS; AND

30 (4) ON OR BEFORE DECEMBER 31, 2008, SHALL:

31 (I) INCREASE THE EFFICIENCY WITH WHICH ITS COAL-FIRED
32 GENERATING UNITS CONVERT COAL INTO ELECTRICITY BY 33% FROM THE AVERAGE
33 EFFICIENCY LEVEL ATTAINED BY THOSE UNITS IN 1990; OR

34 (II) REDUCE ITS EMISSIONS OF CARBON DIOXIDE BY 33% FROM THE
35 AMOUNT EMITTED FROM THOSE UNITS IN 1990.

1 (C) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO HAVE ANY
2 EFFECT ON EMISSIONS REQUIREMENTS, STANDARDS, OR LIMITATIONS IMPOSED ON
3 INVESTOR-OWNED PUBLIC UTILITIES BY ANY OTHER LAW OR REGULATION.

4 (D) (1) THIS SECTION MAY NOT BE INTERPRETED TO LIMIT ANY AUTHORITY
5 OF THE DEPARTMENT TO IMPOSE SPECIFIC LIMITATIONS ON THE EMISSION OF
6 OXIDES OF NITROGEN, SULFUR DIOXIDE, MERCURY, AND CARBON DIOXIDE FROM AN
7 INDIVIDUAL COAL-FIRED GENERATING UNIT OWNED OR OPERATED BY AN
8 INVESTOR-OWNED PUBLIC UTILITY.

9 (2) EACH INVESTOR-OWNED PUBLIC UTILITY SUBJECT TO THIS
10 SECTION MAY DETERMINE HOW IT WILL ACHIEVE THE COLLECTIVE EMISSIONS
11 LIMITS AND REDUCTIONS IMPOSED UNDER SUBSECTION (B) OF THIS SECTION.

12 (E) A COAL-FIRED GENERATING UNIT THAT, AS OF OCTOBER 1, 2004, IS
13 SUBJECT TO THE EMISSIONS LIMITS AND REDUCTIONS OF THIS SECTION SHALL
14 REMAIN SUBJECT TO THE LIMITS AND REDUCTIONS REGARDLESS OF WHETHER IT
15 CONTINUES TO BE OWNED OR OPERATED BY AN INVESTOR-OWNED PUBLIC UTILITY.

16 (F) (1) THE GOVERNOR MAY ENTER INTO AN AGREEMENT WITH AN
17 INVESTOR-OWNED PUBLIC UTILITY UNDER WHICH THE INVESTOR-OWNED PUBLIC
18 UTILITY VOLUNTARILY AGREES TO TRANSFER TO THE STATE ANY EMISSIONS
19 ALLOWANCES IT ACQUIRED OR THAT IT MAY ACQUIRE IN ACCORDANCE WITH ANY
20 PROGRAM ESTABLISHED UNDER FEDERAL LAW OR ANY LAW OF THE STATE AS A
21 RESULT OF COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION.

22 (2) THE GOVERNOR SHALL FILE SIGNED COPIES OF THE AGREEMENT
23 WITH:

24 (I) THE ATTORNEY GENERAL;

25 (II) THE SECRETARY OF STATE;

26 (III) THE TREASURER;

27 (IV) THE SECRETARY OF THE ENVIRONMENT;

28 (V) THE SECRETARY OF NATURAL RESOURCES; AND

29 (VI) THE PUBLIC SERVICE COMMISSION.

30 (3) THE TREASURER:

31 (I) SHALL HOLD ALL EMISSIONS ALLOWANCES THAT ARE
32 TRANSFERRED TO THE STATE IN TRUST FOR THE PEOPLE OF THE STATE; AND

33 (II) MAY NOT SELL, TRADE, TRANSFER, OR OTHERWISE DISPOSE OF
34 THE EMISSIONS ALLOWANCES UNLESS SPECIFICALLY AUTHORIZED BY STATUTE.

1 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS, INCLUDING TESTING,
2 MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS, TO IMPLEMENT
3 THE PROVISIONS OF THIS SUBTITLE.

4 2-1003.

5 (A) ON OR BEFORE DECEMBER 31, 2004, AN INVESTOR-OWNED PUBLIC
6 UTILITY, SUBJECT TO THE EMISSIONS LIMITS AND REDUCTIONS OF § 2-1002 OF THIS
7 SUBTITLE SHALL SUBMIT A COMPLIANCE PLAN, INCLUDING INITIAL ESTIMATES FOR
8 THE COSTS OF COMPLYING, TO THE DEPARTMENT OF THE ENVIRONMENT, THE
9 DEPARTMENT OF NATURAL RESOURCES, AND THE PUBLIC SERVICE COMMISSION.

10 (B) ON OR BEFORE DECEMBER 1 OF EACH YEAR, AN INVESTOR-OWNED
11 PUBLIC UTILITY, SUBJECT TO THE EMISSIONS LIMITS AND REDUCTIONS OF § 2-1002
12 OF THIS SUBTITLE, SHALL SUBMIT TO THE DEPARTMENT OF THE ENVIRONMENT,
13 THE DEPARTMENT OF NATURAL RESOURCES, AND THE PUBLIC SERVICE
14 COMMISSION A REPORT THAT INCLUDES:

15 (1) A DETAILED REPORT ON THE PLANS OF THE INVESTOR-OWNED
16 PUBLIC UTILITY FOR MEETING THE EMISSIONS LIMITS AND REDUCTIONS REQUIRED
17 UNDER § 2-1002 OF THIS SUBTITLE;

18 (2) THE ENVIRONMENTAL COMPLIANCE COSTS INCURRED BY THE
19 INVESTOR-OWNED PUBLIC UTILITY IN THE PREVIOUS CALENDAR YEAR, INCLUDING
20 A DESCRIPTION OF THE CONSTRUCTION RELATED TO COMPLIANCE THAT WAS
21 UNDERTAKEN AND COMPLETED DURING THE YEAR;

22 (3) AN ESTIMATE OF FUTURE ENVIRONMENTAL COMPLIANCE COSTS
23 AND THE BASIS FOR ANY REVISIONS OF THOSE ESTIMATES COMPARED TO THE
24 ESTIMATES SUBMITTED DURING THE PREVIOUS YEAR;

25 (4) A DESCRIPTION OF THE CONSTRUCTION RELATED TO COMPLIANCE
26 WITH THE EMISSIONS LIMITS AND REDUCTIONS THAT IS ANTICIPATED DURING THE
27 FORTHCOMING YEAR;

28 (5) A DESCRIPTION OF ALL PERMITS REQUIRED IN ORDER TO COMPLY
29 WITH THE EMISSIONS LIMITS AND REDUCTIONS FOR WHICH THE INVESTOR-OWNED
30 PUBLIC UTILITY HAS APPLIED AND THE STATUS OF THOSE APPLICATIONS;

31 (6) A DESCRIPTION OF THE APPLICATIONS FOR PERMITS REQUIRED IN
32 ORDER TO COMPLY WITH THE EMISSIONS LIMITS AND REDUCTIONS THAT ARE
33 ANTICIPATED DURING THE FORTHCOMING YEAR;

34 (7) THE RESULTS OF EQUIPMENT TESTING RELATED TO COMPLIANCE
35 WITH THE EMISSIONS LIMITS AND REDUCTIONS;

36 (8) THE NUMBER OF TONS OF OXIDES OF NITROGEN, SULFUR DIOXIDE,
37 MERCURY, AND CARBON DIOXIDE EMITTED DURING THE PREVIOUS CALENDAR YEAR
38 FROM THE COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THIS SUBTITLE;

1 (9) THE EMISSIONS ALLOWANCES ACQUIRED AS A RESULT OF
2 COMPLIANCE WITH THIS SUBTITLE; AND

3 (10) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT OF
4 THE ENVIRONMENT.

5 (C) THE SECRETARY SHALL REVIEW THE INFORMATION SUBMITTED TO
6 DETERMINE WHETHER THE INVESTOR-OWNED PUBLIC UTILITY'S ACTUAL AND
7 PROPOSED MODIFICATIONS AND PERMIT AND CONSTRUCTION SCHEDULES ARE
8 ADEQUATE TO ACHIEVE THE EMISSIONS LIMITS AND REDUCTIONS.

9 2-1004.

10 (A) THE PENALTY PROVISIONS OF THIS SECTION ARE IN ADDITION TO ANY
11 OTHER APPLICABLE PROVISIONS OF THIS TITLE.

12 (B) (1) A PERSON MAY NOT KNOWINGLY ACT OR FAIL TO ACT IN VIOLATION
13 OF THE PROVISIONS OF THIS SUBTITLE OR THE REGULATIONS ADOPTED UNDER
14 THIS SUBTITLE.

15 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS
16 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

17 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$25,000 OR
18 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; OR

19 (II) FOR A VIOLATION COMMITTED AFTER A FIRST CONVICTION
20 UNDER THIS SECTION, A FINE NOT EXCEEDING \$50,000 OR IMPRISONMENT NOT
21 EXCEEDING 2 YEARS OR BOTH.

22 (3) EACH DAY ON WHICH A VIOLATION OCCURS IS A SEPARATE
23 VIOLATION UNDER THIS SUBSECTION.

24 (C) A CRIMINAL PROSECUTION FOR A VIOLATION BROUGHT UNDER THIS
25 SECTION SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE VIOLATION WAS
26 COMMITTED.

27 (D) THE REVENUES FROM THE FINES IMPOSED UNDER THIS SUBTITLE SHALL
28 BE DEPOSITED IN THE MEDICAID MANAGED CARE ORGANIZATION FUND
29 ESTABLISHED UNDER § 15-141 OF THE HEALTH - GENERAL ARTICLE.

30 **Article - Health - General**

31 15-141.

32 (A) IN THIS SECTION, "FUND" MEANS THE MEDICAID MANAGED CARE
33 ORGANIZATION FUND.

34 (B) THERE IS A MEDICAID MANAGED CARE ORGANIZATION FUND.

1 (C) THE PURPOSE OF THE FUND IS TO PAY MANAGED CARE ORGANIZATION
2 PROVIDER FEES.

3 (D) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL
4 ADMINISTER THE FUND.

5 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
6 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

7 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
8 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

9 (F) THE FUND CONSISTS OF:

10 (1) REVENUES DISTRIBUTED TO THE FUND UNDER § 2-1004 OF THE
11 ENVIRONMENT ARTICLE;

12 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

13 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

14 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
15 BENEFIT OF THE FUND.

16 (G) THE FUND MAY BE USED ONLY TO PAY FOR INCREASES IN MANAGED CARE
17 ORGANIZATION PROVIDER FEES.

18 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
19 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

20 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
21 THE FUND.

22 (I) EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN ACCORDANCE
23 WITH THE STATE BUDGET.

24 (J) MONEY EXPENDED FROM THE FUND FOR MANAGED CARE ORGANIZATION
25 PROVIDER FEES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE
26 OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR MANAGED CARE
27 ORGANIZATION PROVIDER FEES.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall use
29 all available resources and means, including negotiation, participation in interstate
30 compacts, petitions, and litigation to induce other states and entities to achieve
31 reductions in emissions of oxides of nitrogen, sulfur dioxide, mercury, and carbon
32 dioxide comparable to those required by § 2-1002 of the Environment Article, as
33 enacted by Section 1 of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the
35 Environment, in conjunction with the Department of Natural Resources and the
36 Public Service Commission, shall study the desirability of requiring and the

1 feasibility of obtaining reductions in emissions of oxides of nitrogen and sulfur dioxide
2 beyond those required by § 2-1002 of the Environment Article, as enacted by Section
3 1 of this Act. The Department of the Environment shall consider the availability of
4 emissions reduction technologies, increased cost to consumers of electric power,
5 reliability of electric power supply, actions to reduce emissions of oxides of nitrogen
6 and sulfur dioxide taken by states and other entities whose emissions negatively
7 impact air quality in Maryland or whose failure to achieve comparable reductions
8 would place the economy of Maryland at a competitive disadvantage, and the effects
9 that these reductions would have on public health, the environment, and natural
10 resources, including visibility. The Department shall report its findings and
11 recommendations, in accordance with § 2-1246 of the State Government Article, to
12 the House Environmental Matters Committee and the Senate Education, Health, and
13 Environmental Affairs Committee annually beginning December 1, 2006.

14 SECTION 4. AND BE IT FURTHER ENACTED, That the Department of the
15 Environment, in conjunction with the Department of Natural Resources and the
16 Public Service Commission, shall study the desirability of requiring and the
17 feasibility of obtaining reductions in emissions of mercury beyond those required by §
18 2-1002 of the Environment Article, as enacted by Section 1 of this Act. The
19 Department of the Environment shall evaluate available control technologies and
20 shall estimate the benefits and costs of alternative strategies to reduce emissions of
21 mercury. The Department shall annually report its preliminary findings and
22 recommendations, in accordance with § 2-1246 of the State Government Article, to
23 the House Environmental Matters Committee and the Senate Education, Health, and
24 Environmental Affairs Committee beginning December 1, 2004. The Department
25 shall report its final findings and recommendations, in accordance with § 2-1246 of
26 the State Government Article, to the House Environmental Matters Committee and
27 the Senate Education, Health, and Environmental Affairs Committee on or before
28 December 1, 2006.

29 SECTION 5. AND BE IT FURTHER ENACTED, That the Department of the
30 Environment, in conjunction with the Department of Natural Resources and the
31 Public Service Commission, shall study the desirability of requiring and the
32 feasibility of obtaining reductions in emissions of carbon dioxide beyond those
33 required by § 2-1002 of the Environment Article, as enacted by Section 1 of this Act.
34 The Department of the Environment shall evaluate available control technologies and
35 shall estimate the benefits and costs of alternative strategies to reduce emissions of
36 carbon dioxide. The Department shall annually report its preliminary findings and
37 recommendations, in accordance with § 2-1246 of the State Government Article, to
38 the House Environmental Matters Committee and the Senate Education, Health, and
39 Environmental Affairs Committee beginning December 1, 2005. The Department
40 shall report its final findings and recommendations, in accordance with § 2-1246 of
41 the State Government Article, to the House Environmental Matters Committee and
42 the Senate Education, Health, and Environmental Affairs Committee on or before
43 December 1, 2006.

44 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take
45 effect July 1, 2004.