

BY: Senator Astle

AMENDMENTS TO SENATE BILL NO. 154
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “Act;” insert “requiring the Public Service Commission to conduct certain reviews of affected facilities and make certain reports; requiring the Department to review and analyze the reports; authorizing the Department to alter or extend certain dates after a certain determination;”.

AMENDMENT NO. 2

On page 6, after line 7, insert:

“(C) (1) AT LEAST TWICE A YEAR, THE PUBLIC SERVICE COMMISSION SHALL REVIEW EACH AFFECTED FACILITY WITH RESPECT TO THE ACQUISITION AND INSTALLATION OF EQUIPMENT AND OTHER METHODS OF ACHIEVING EMISSIONS REQUIREMENTS UNDER THIS SUBTITLE, INCLUDING:

- (I) FACILITY CONSTRUCTION;
- (II) FACILITY MAINTENANCE; AND
- (III) REPAIR SCHEDULES.

(2) IN CONDUCTING A REVIEW UNDER THIS SUBSECTION, THE PUBLIC SERVICE COMMISSION SHALL ANALYZE ANY ADVERSE EFFECTS ON AN AFFECTED FACILITY RESULTING FROM THE ATTEMPTS OF THE AFFECTED FACILITY TO ACHIEVE THE EMISSIONS REQUIREMENTS UNDER THIS SUBTITLE, INCLUDING EFFECTS ON:

- (I) COSTS;

(Over)

- (II) RATES;
- (III) RELIABILITY;
- (IV) CAPACITY;
- (V) RESERVE;
- (VI) MARGINS;
- (VII) TRANSMISSIONS CONSTRAINTS; AND
- (VIII) PJM INTERCONNECTION.

(3) EACH TIME THE PUBLIC SERVICE COMMISSION CONDUCTS A REVIEW UNDER THIS SECTION, THE COMMISSION SHALL REPORT TO THE DEPARTMENT, THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE FINDINGS AND RECOMMENDATIONS RESULTING FROM THE REVIEW.

(4) THE DEPARTMENT SHALL REVIEW AND EVALUATE THE REPORTS OF THE PUBLIC SERVICE COMMISSION.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE DEPARTMENT DETERMINES THAT ENFORCEMENT OF THE EMISSIONS REQUIREMENTS UNDER THIS SUBTITLE IS HAVING, OR WILL HAVE, A SIGNIFICANT ADVERSE IMPACT ON AFFECTED FACILITIES, THE DEPARTMENT MAY ALTER OR EXTEND THE DATES SPECIFIED IN THIS SUBTITLE FOR ACHIEVEMENT OF EMISSIONS REQUIREMENTS.

(6) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO GOVERN THE PROCEDURES THAT WILL BE FOLLOWED IF THE DEPARTMENT DETERMINES FROM THE REVIEW OF THE PUBLIC SERVICE COMMISSION'S REPORT THAT THERE IS A NEED TO ALTER OR EXTEND THE DATES SPECIFIED IN THIS SUBTITLE FOR ACHIEVING EMISSIONS REQUIREMENTS.

- (II) THE REGULATIONS SHALL:

1. INCLUDE A REQUIREMENT THAT THE DEPARTMENT MAKE A DETERMINATION THAT THERE IS A LIKELIHOOD OF SIGNIFICANT ADVERSE IMPACTS ON AFFECTED FACILITIES IF THE DATES SPECIFIED IN THIS SUBTITLE FOR ACHIEVEMENT OF EMISSIONS REQUIREMENTS ARE ENFORCED; AND

2. ENSURE THAT COMPLIANCE WITH STANDARDS AND REQUIREMENTS OF THE FEDERAL CLEAN AIR ACT ARE NOT IMPACTED BY ANY ALTERATION OR EXTENSION OF THE DATES SPECIFIED IN THIS SUBTITLE FOR ACHIEVEMENT OF EMISSIONS REQUIREMENTS.”.