

BY: Senator Middleton

AMENDMENTS TO SENATE BILL NO. 154, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0154/624637/1), in line 12 of Amendment No. 1, after “reduce” insert “or waive”.

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 24 of Amendment No. 4, after “(2)” insert “(I)”.

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 4, after “REDUCE” insert “OR WAIVE”; after line 3, insert:

“(II) IF A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY CAN DEMONSTRATE, WITH CLEAR AND CONVINCING EVIDENCE, THAT THE POLLUTION CONTROL EQUIPMENT THAT IS NECESSARY TO ACHIEVE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION HAS SIGNIFICANTLY INCREASED IN COST DUE TO THE LIMITED AMOUNT OF SUPPLY AND, AS A RESULT, MAY SIGNIFICANTLY INCREASE ELECTRIC RATES, THE DEPARTMENT MAY REDUCE OR WAIVE ANY PENALTY DUE TO THE FAILURE TO ATTAIN COMPLIANCE UNTIL THE SUPPLY OF POLLUTION CONTROL EQUIPMENT BECOMES AVAILABLE SO AS TO REASONABLY LOWER THE COST OF THE POLLUTION CONTROL EQUIPMENT.

“(III) IN DETERMINING WHETHER TO REDUCE OR WAIVE ANY PENALTY UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL CONSULT WITH THE PUBLIC SERVICE COMMISSION AS TO THE AVAILABILITY AND COST OF THE POLLUTION CONTROL EQUIPMENT.”;

in line 4, after “(3)” insert “(I)”; in the same line, after “REDUCE” insert “OR WAIVE”; and in line

(Over)

7, after "LAW." insert:

"(II) ANY ACTION TO REDUCE OR WAIVE ANY PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL JUDICIAL REVIEW IS FINAL."