
By: **Chairman, Economic Matters Committee (By Request - Departmental - Environment)**

Introduced and read first time: January 20, 2006

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2006

CHAPTER _____

1 AN ACT concerning

2 **Electric Generating Stations - Approval Process for Modifications - ~~Permits~~**
3 **~~to Construct~~**

4 FOR the purpose of altering air quality permitting requirements under the authority
5 of the ~~Department of the Environment~~ Public Service Commission for certain
6 modifications to ~~certain~~ electric generating stations; altering a certain
7 definition; and generally relating to the authority of the ~~Department of the~~
8 ~~Environment~~ Public Service Commission and electric generating stations.

9 BY repealing and reenacting, with amendments,
10 Article - ~~Environment~~ Public Utility Companies
11 Section ~~2-402~~ 7-205(a)
12 Annotated Code of Maryland
13 (~~1996 Replacement~~ 1998 Volume and 2005 Supplement)

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

16 **~~Article - Environment~~**

17 ~~2-402.~~

18 ~~The Department may not require a permit or registration for:~~

19 (1) ~~Any machinery or equipment that normally is used in a mobile~~
20 ~~manner;~~

1 (2) Any boiler used exclusively to operate steam engines for farm and
2 domestic use;

3 (3) ~~The construction OR MODIFICATION of a generating station~~
4 ~~constructed by a person that is required to obtain a certificate of public convenience~~
5 ~~and necessity [under §§ 7-207 and 7-208] IN ACCORDANCE WITH §§ 7-205, 7-207,~~
6 ~~AND 7-208 of the Public Utility Companies Article and regulations adopted by the~~
7 ~~Public Service Commission;~~

8 (4) ~~Actual construction of buildings, apart from any possible emission~~
9 ~~producing machinery housed in the buildings;~~

10 (5) ~~Any parking garage; or~~

11 (6) ~~Any parking lot.~~

12 **Article - Public Utility Companies**

13 7-205.

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

18 (2) "Modification" does not include:

19 (i) routine maintenance or repairs of the facilities of a power plant;
20 or

21 (ii) a change that [would result in ambient air quality levels less
22 than or equal to the levels that were a basis for the issuance of a prior certificate of
23 public convenience and necessity under § 7-207 of this subtitle] THE COMMISSION
24 DETERMINES WILL NOT RESULT IN AN INCREASE IN AIR EMISSIONS FROM THE
25 PLANT OR FROM A GENERATING UNIT OF THE PLANT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 2006.