

A QUICK COMPARISON OF THE MARYLAND CLEAN POWER RULE (AS APPROVED BY THE MARYLAND AIR QUALITY CONTROL ADVISORY COUNCIL) AND THE HEALTHY AIR ACT (PASSED BY THE GENERAL ASSEMBLY)

	Clean Power Rule (3/13 AQCAC)	Healthy Air Act
The Regional Greenhouse Gas Initiative (RGGI) and control of carbon dioxide (CO ₂) emissions.	Not included. However, Maryland has been participating in RGGI as an observer. This allows Maryland to participate in almost all of the RGGI meetings/calls on “program design.” If Maryland’s concerns over reliability and costs are resolved, the State could join RGGI well before 2008/2009 implementation deadlines.	Perform a comprehensive study of reliability and cost issues between July 1, 2006 and January 1, 2008. Maryland is to become a “full participant” in RGGI by June 30, 2007. If reliability and cost issues are not resolved, the State can withdraw from RGGI after January 1, 2009. If Maryland withdraws, the Governor reports to the General Assembly on why the State is withdrawing and must propose a plan to reduce CO ₂ .
Sources Covered	All coal-fired plants except R.P. Smith (2 units) and AES Warrior Run	Same as Clean Power Rule, but R.P. Smith included. If reductions at R. P. Smith compromise reliability, the plant may operate with emissions up to highest level emitted between 2000-2004. Sources to be covered under RGGI are not yet defined, but will likely include smaller sources.
NO _x Reductions	Based on projected attainment needs. Timed to support ozone attainment and Bay goals. 2009 NO _x cap of 20,216 tons per year (tpy). 2012 NO _x cap of 16,667 tpy. 2012 caps waived if Maryland meets the ozone standard in 2010.	Caps copied from the Clean Power Rule. 2009 cap of 20,216 tpy and a 2012 cap of 16,667 tpy. 2012 cap is mandatory even if the State meets the ozone standard in 2010.
SO ₂ Reductions	Based on projected attainment needs. Timed to support fine particulate attainment goals. 2010 SO ₂ cap of 49,620 tpy. 2014 (2013 in MDE’s original draft rule) SO ₂ cap at 37,235 tpy. 2014 caps waived if Maryland meets the fine particle standard in 2010.	Caps generally copied from Clean Power Rule. 2010 cap of 48,618 tpy; 2013 cap of 37,235 tpy. 2013 cap is mandatory even if the State meets the fine particle standard in 2010.
Mercury Reductions	75% (80% in MDE’s original draft rule) reduction by 2010 and 90% reduction by 2013.	80% reduction of mercury by 2010 and a 90% reduction of mercury by 2013.
Trading Prohibitions	No prohibitions on trading under the federal program as long as in-state reductions are achieved.	No prohibitions on trading under the federal program as long as in-state reductions are achieved.
Penalties	No allowance penalties.	For 2010-2012 includes allowance surrender in addition to administrative and civil penalties.
Flexibility for good faith efforts	Not explicitly in the rule, but existing authority allows MDE to extend deadlines and waive penalties for good faith efforts.	Explicit in law. If facility can’t comply due to equipment availability or significant cost increases, MDE may reduce or waive penalties.
Adjusting the caps when a plant shuts down	The caps are set to clean the air. Companies may shut down a plant or unit if that’s part of their plan to comply.	If facility shuts down, the overall cap is reduced by that amount.