

Clean Power Rule

.01 Applicability and Exemptions.

- A. Except as provided in Section B of this regulation, this chapter applies to a person who owns or operates a coal fired electric generating unit with an output capacity of 100 megawatts or greater for the primary purpose of producing electricity for sale.
- B. This chapter does not apply to a person who owns or operates a coal fired fluidized bed electric generating unit.
- C. Except as provided in Regulation .05 of this chapter, compliance with this chapter may not be achieved by using, tendering, or otherwise acquiring SO₂, NO_x or mercury allowances under any state or federal emission trading program.

.02 General Requirements.

- A. A person who owns or operates a coal fired electric generating unit subject to this chapter shall:
 - (1) Not later than January 1, 2009, meet a system-wide Ozone Season and annual average NO_x emission rate of 0.125 pounds per million Btu or less;
 - (2) Not later than January 1, 2012, meet a system-wide Ozone Season and annual average NO_x emission rate of 0.100 pounds per million Btu or less if, after reviewing 2009 ozone season data from air monitoring stations located in Maryland, the Department determines that ozone levels in Maryland exceed the levels required to meet the National Ambient Air Quality Standard for ozone;
 - (3) Not later than January 1, 2010, meet a system-wide annual average SO₂ emission rate of 0.225 pounds per million Btu or less;
 - (4) Not later than January 1, 2010, meet a system-wide emission rate of not more than 2.4 pounds of mercury per trillion Btu heat input or meet a system-wide mercury removal efficiency of 80 percent or more; and
 - (5) Not later than January 1, 2015, meet a system-wide emission rate of not more than 1.2 pounds of mercury per trillion Btu heat input or meet a system-wide mercury removal efficiency of 90 percent or more.
- B. Compliance with the emission rates in Sections A(1), (2) and (3) of this regulation is achieved by demonstrating that the average daily system-wide emission rate for

each operating day averaged over a calendar year is equal to or less than the applicable emission rate.

- C. Compliance with the mercury emission rates in Sections A(4) and (5) of this regulation shall be determined as a 12-month rolling average.
- D. A system-wide average shall be based only upon averaged emissions from operating units that are subject to the emission rates in Section A of this regulation.

.03 Monitoring and Reporting Requirements.

- A. Compliance with the emission rates in this chapter shall be demonstrated with continuous emission monitors that are installed, calibrated, operated and certified in accordance with 40 CFR Part 75 or other methods approved by the U.S. Environmental Protection Agency.
- B. In addition to the requirements of any applicable Part 70 Permit, a person subject to this chapter shall maintain records demonstrating compliance with the emission rates in this chapter and make those records available to the Department upon request.

.04 Flexibility for Smaller, Well Controlled SO₂ Sources.

- A. An electric generating unit subject to this chapter with an output capacity of less than 250 megawatts may be exempt from the requirements of regulation .02A(3) of this chapter if the unit is equipped with and commences continuous operation of the Best Available Control Measure (BACM) for SO₂ in accordance with Sections B and C of this Regulation.
- B. As used in this chapter, BACM means an emissions limitation, based on the degree of emission reduction for a pollutant, which the Department, on a case-by-case basis, taking into account the size, physical location and age of unit, available retrofit technology, cost of control, environmental impacts and relative emissions, determines is achievable for that unit through the installation of control equipment, process modification, fuel switching or other measures.
- C. A person who elects to comply with this regulation shall:
 - (1) Not later than January 1, 2007, submit to the Department for approval a plan describing the proposed BACM for each applicable unit;
 - (2) Not later than 60 days following receipt of the Department's approval, submit a schedule to the Department for the installation of BACM on each applicable unit which provides for commencement of year-round operation of BACM as expeditiously as practical, but not later than

January 1, 2010; and

- (3) Not later than January 1, 2010 or such earlier date as is provided in the approved schedule, complete installation and commence continuous year-round operation of BACM on each applicable unit.

.05 Penalties and Alternative Compliance Demonstrations

- A. Except as provided in Sections B and C of this regulation, a person who violates the requirements of this chapter, shall be subject to penalties as provided in §§2-604, 2-609, 2-609.1, 2-610, and 2-610.1 of the Environment Article. For the purpose of determining penalties, each ton emitted in excess of the applicable emission rate shall be deemed a separate violation.
- B. If, in any calendar year during the period from January 1, 2010 through December 31, 2012, a person fails to achieve and maintain full compliance with the SO₂ emission rate required by regulation .02A(3) of this chapter, then in any such calendar year in which the person achieves a system-wide SO₂ emission rate that is:
- (1) Greater than 0.225, but less than 0.250 pounds per million Btu, the person shall surrender one SO₂ allowance for each ton of SO₂ emitted in excess of the required emission rate; or
 - (2) Equal to or greater than 0.250 pounds per million Btu, but less than 0.300 pounds per million Btu, the person shall surrender:
 - (a) One SO₂ allowance for each ton of SO₂ emitted in excess of the required emission rate; and
 - (b) One NO_x allowance for each 2 tons of SO₂ emitted in excess of the required emission rate.
- C. If, in any calendar year during the period from January 1, 2009 through December 31, 2011, a person fails to achieve full compliance with the NO_x emission rate required by regulation .02A(1) of this chapter, but achieves a system-wide NO_x emission rate that is less than 0.150 pounds per million Btu, the person shall surrender one NO_x allowance for each ton of NO_x emitted in excess of the required emission rate.
- D. For each year that an applicable emission rate is not achieved, allowances shall be surrendered to the Department's Surrender Account by March 1 of the following year.