

**Outline of Potential MDE Regulation to Address Generators with High
Rates and Peak Ozone Days
April 9, 2020**

Timing:

- To be developed, if needed to impact the 2021 ozone season

Covered Sources:

- Data from the summers of 2018, 2019 and 2020 will be used to define affected sources
- The potential regulation may focus on a small number of sources or sectors or it may affect all small and large sources involved in the energy supply process in the State of Maryland
- The regulation may also cover Curtailment Service Providers

Basic Requirement:

- The potential regulation would prohibit any covered unit with a nitrogen oxide (NO_x) emission rate greater than 0.09 lb/MMBTU (or an equivalent limit) from operating on any day forecasted to be a code yellow, orange, red or purple ozone day during the summer ozone season
- The potential regulation could also prohibit Curtailment Service Providers from instructing clients to test on-site generators or advising clients to operate on-site generators on any day forecasted to be a code yellow, orange, red or purple ozone day during the summer ozone season
- The potential regulation will include exemptions to address true energy emergencies

Effective Date:

- The potential regulation would be effective on May 1, 2021

Rationale:

- Maryland is very close to meeting the 2015, 70 ppb federal ozone standard
- MDE research shows that NO_x emissions from close-by, energy sources are contributing to high ozone on days when Maryland observes exceedances of the ozone standard
- Several electric generating units (EGUs) are not reducing emissions when asked to take action under MDE's voluntary Peak Ozone Day Reduction Program
- MDE believes that reducing NO_x emissions from EGUs and other sources involved in the energy supply process ... on peak ozone days ... could be the difference between meeting or not meeting the 2015 ozone standard