

107TH CONGRESS
1ST SESSION

H. R. 1256

To amend the Clean Air Act to reduce emissions from electric powerplants,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

Mr. WAXMAN (for himself, Mr. BOEHLERT, Mr. MALONEY of Connecticut, Mr. McNULTY, Mr. HOEFFEL, Mr. MORAN of Virginia, Mrs. JONES of Ohio, Ms. RIVERS, Mr. McDERMOTT, Ms. JACKSON-LEE of Texas, Ms. McKINNEY, Mr. FROST, Mr. JEFFERSON, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. WU, Mr. ANDREWS, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. CONYERS, Mr. BLAGOJEVICH, Mr. OLVER, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. GILCHREST, Ms. SOLIS, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Mr. SHAYS, Ms. McCOLLUM, Mr. GILMAN, Mr. INSLEE, Mr. SMITH of Washington, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mrs. ROUKEMA, Mr. LANTOS, Ms. CARSON of Indiana, Mrs. TAUSCHER, Ms. LEE, Mrs. KELLY, Mr. DELAHUNT, Mr. FILNER, Mr. BERMAN, Mrs. JOHNSON of Connecticut, Mr. SABO, Mr. WEXLER, Mr. PAYNE, Mr. SAXTON, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to reduce emissions from
electric powerplants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Smokestacks
3 Act of 2001”.

4 **SEC. 2. REDUCTION OF EMISSIONS FROM POWERPLANTS.**

5 Part A of title I of the Clean Air Act (42 U.S.C. 7401
6 et seq.) is amended by adding at the end the following:

7 **“SEC. 132. REDUCTION OF EMISSIONS FROM POWER-**
8 **PLANTS.**

9 “(a) EMISSION REDUCTION OBJECTIVES.—The emis-
10 sion reduction objectives of this section are to reduce, not
11 later than January 1, 2007:

12 “(1) aggregate sulfur dioxide emissions from
13 powerplants by 75 percent from the levels allowed
14 under full implementation of the phase II sulfur di-
15 oxide requirements under title IV (relating to acid
16 deposition control);

17 “(2) aggregate nitrogen oxide emissions from
18 powerplants by 75 percent from 1997 levels;

19 “(3) aggregate carbon dioxide emissions from
20 powerplants to the level of carbon dioxide emissions
21 from powerplants in 1990; and

22 “(4) aggregate mercury emissions from power-
23 plants by 90 percent from the 1999 levels.

24 “(b) AGENCY ACTION.—

25 “(1) REGULATIONS.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this section, the
3 Administrator shall promulgate regulations to
4 achieve the emission reduction objectives speci-
5 fied in subsection (a).

6 “(B) ELEMENTS.—The regulations pro-
7 mulgated under subparagraph (A)—

8 “(i) shall achieve the objectives in a
9 manner that the Administrator determines
10 will allocate required emission reductions
11 equitably, taking into account emission re-
12 ductions achieved before the date of enact-
13 ment of this section and other relevant fac-
14 tors;

15 “(ii) may include, except in the case
16 of mercury, market-oriented mechanisms
17 (such as emissions trading based on gen-
18 eration performance standards, auctions,
19 or other allocation methods);

20 “(iii) shall prevent localized adverse
21 effects on public health and the environ-
22 ment and ensure that significant emission
23 reductions are achieved in both the East-
24 ern and Western regions of the United
25 States;

1 “(iv) shall ensure that any captured
2 or recovered mercury is not rereleased into
3 the environment; and

4 “(v) shall, include, consistent with
5 achieving the objectives set forth in sub-
6 section (a), incentives for renewable en-
7 ergy.

8 “(2) INTERAGENCY COORDINATION TO MINI-
9 MIZE COSTS AND MAXIMIZE GAINS.—To minimize
10 the economic costs and maximize the economic gains
11 of achieving the emission reduction objectives speci-
12 fied in subsection (a), the Administrator shall co-
13 ordinate with other departments and agencies of
14 Federal and State government to increase energy ef-
15 ficiency, to increase the use of renewable energy, and
16 to implement cost saving advanced demand and sup-
17 ply side policies, such as those described in the re-
18 port prepared by the Interlaboratory Working Group
19 of the Department of Energy entitled ‘Scenarios for
20 a Clean Energy Future’, dated November 2000.

21 “(c) ADDITIONAL REDUCTIONS.—The regulations
22 promulgated under subsection (b) may require additional
23 reductions in emissions from powerplants if the Adminis-
24 trator determines that the emission levels necessary to
25 achieve the emission reduction objectives specified in sub-

1 section (a) are not reasonably anticipated to protect public
2 health or welfare.

3 “(d) MODERNIZATION OF OUTDATED POWER-
4 PLANTS.—

5 “(1) IN GENERAL.—On the later of the date
6 that is 30 years after a powerplant commenced oper-
7 ation or the date that is 5 years after the date of
8 enactment of this section, it shall comply with—

9 “(A) the most recent new source perform-
10 ance standards promulgated under section 111;
11 and

12 “(B) the requirements under parts C and
13 D that are applicable to modified sources.

14 “(2) ADDITIONAL REQUIREMENTS.—The re-
15 quirements of this subsection shall be in addition to
16 the requirements of the regulations promulgated
17 under subsection (b).

18 “(e) OTHER REQUIREMENTS.—The requirements of
19 this section shall be in addition to, and not in lieu of, any
20 other requirement of this Act.

21 “(f) DEFINITION.—In this section, the term ‘power-
22 plant’ means an electric generation facility with a name-
23 plate capacity of 15 megawatts or more that uses a com-
24 bustion device to generate electricity for sale.”.

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