

109TH CONGRESS
1ST SESSION

H. R. 1451

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. WAXMAN (for himself, Mr. BOEHLERT, Mr. ALLEN, Mr. GILCHREST, Mr. GRIJALVA, Mrs. JOHNSON of Connecticut, Ms. SCHAKOWSKY, Mrs. KELLY, Mrs. CAPPS, Mr. MCHUGH, Mr. DOGGETT, Mr. SAXTON, Mr. MARKEY, Mr. SHAYS, Ms. SOLIS, Mr. SMITH of New Jersey, Mr. ENGEL, and Mr. WALSH) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Smokestacks
5 Act of 2005”.

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

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

1 **“SEC. 132. REDUCTION OF EMISSIONS FROM POWER-**
2 **PLANTS.**

3 “(a) EMISSION REDUCTION OBJECTIVES.—The emis-
4 sion reduction objectives of this section are to reduce, not
5 later than January 1, 2010:

6 “(1) aggregate sulfur dioxide emissions from
7 powerplants by 75 percent from the levels allowed
8 under full implementation of the Phase II sulfur di-
9 oxide requirements under title IV (relating to acid
10 deposition control);

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

13 “(3) aggregate carbon dioxide emissions from
14 powerplants to the level of carbon dioxide emissions
15 from powerplants in 1990; and

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

18 “(b) AGENCY ACTION.—

19 “(1) REGULATIONS.—

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

25 “(B) ELEMENTS.—The regulations pro-
26 mulgated under subparagraph (A)—

1 “(i) shall achieve the objectives in a
2 manner that the Administrator determines
3 will allocate required emission reductions
4 equitably, taking into account emission re-
5 ductions achieved before the date of enact-
6 ment of this section and other relevant fac-
7 tors;

8 “(ii) may include, except in the case
9 of mercury, market-oriented mechanisms
10 (such as emissions trading based on gen-
11 eration performance standards, auctions,
12 or other allocation methods);

13 “(iii) shall prevent localized adverse
14 effects on public health and the environ-
15 ment and ensure that significant emission
16 reductions are achieved in both the East-
17 ern and Western regions of the United
18 States;

19 “(iv) shall ensure that any captured
20 or recovered mercury is not rereleased into
21 the environment; and

22 “(v) shall include, consistent with
23 achieving the objectives set forth in sub-
24 section (a), incentives for renewable en-
25 ergy.

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

14 “(c) ADDITIONAL REDUCTIONS.—The regulations
15 promulgated under subsection (b) may require additional
16 reductions in emissions from powerplants if the Adminis-
17 trator determines that the emission levels necessary to
18 achieve the emission reduction objectives specified in sub-
19 section (a) are not reasonably anticipated to protect public
20 health or welfare.

21 “(d) MODERNIZATION OF OUTDATED POWER-
22 PLANTS.—

23 “(1) IN GENERAL.—On the later of the date
24 that is 30 years after a powerplant commenced oper-

1 ation or the date that is 5 years after the date of
2 enactment of this section, it shall comply with—

3 “(A) the most recent new source perform-
4 ance standards promulgated under section 111;
5 and

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

8 “(2) ADDITIONAL REQUIREMENTS.—The re-
9 quirements of this subsection shall be in addition to
10 the requirements of the regulations promulgated
11 under subsection (b).

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

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

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