H. R. 1910

To establish minimum nationwide nitrogen oxide pollution standards for fossil-fuel fired electric powerplants.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

Ms. CARSON introduced the following bill; which was referred to the Committee on Commerce

A BILL

To establish minimum nationwide nitrogen oxide pollution standards for fossil-fuel fired electric powerplants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Electric Utility Nitrogen Oxide Limitation Act of 1997”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Near term reductions in nitrogen oxides is an important factor in meeting or exceeding our Nation’s ambient air quality standards for ozone.
(2) Airborne nitrogen oxide pollution often migrates across State boundaries.

(3) Different electric utility powerplants have different nitrogen oxide emission limits, based on the type, age, and location of the plant.

(4) The onset of competition in electric power markets can increase demand for power from some sources, and reduce or eliminate demand from other sources, thereby significantly changing nitrogen oxide concentrations.

(5) The current system of control of nitrogen oxide emissions, when overlaid with the onset of competition among electric power sources, may have the unintended effect of encouraging power production from plants with higher nitrogen oxide limits and discouraging improvements in nitrogen oxide controls.

SEC. 3. ELECTRIC UTILITY NOx POLLUTION LIMIT.

It shall be unlawful for any fossil-fuel fired utility unit with a nameplate capacity of greater than 25 megawatts of electrical output to emit nitrogen oxides in excess of a maximum allowable emission standard of 0.35 pounds per million Btu.
SEC. 4. WITHIN-STATE EMISSIONS AVERAGING.

In lieu of complying with section 3, the owner or operator of 2 or more electric utility units within a single State that are covered by section 3 may elect to use alternative contemporaneous annual emission limitations for those units that ensure that the actual annual emission rate (measured in pounds of nitrogen oxides per million Btu) averaged over all of those units is less than or equal to the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with the limitation set by section 3. If the permitting authority determines, in accordance with regulations issued under section 5, that the requirements of the preceding sentence will be met, the permitting authority shall issue operating permits for such units that allow such alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while all such units continue operation under the conditions specified in their respective operating permits.

SEC. 5. RULEMAKING; IMPLEMENTATION AND ENFORCEMENT.

(a) RULEMAKING.—The Administrator of the Environmental Protection Agency shall issue regulations to implement and enforce the requirements of this Act. Such
regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(b) IMPLEMENTATION AND ENFORCEMENT.—After December 31, 2000, no unit covered by section 3 or 4 may operate without a permit issued by the Administrator or the State in which such unit is located. Such permits shall be subject to title V of the Clean Air Act (42 U.S.C. 7661 and following). The requirements of this Act shall be treated as an emission limitation under the Clean Air Act for purposes of sections 113 and 304 of such Act.

SEC. 6. DEFINITIONS.

For purposes of this Act, terms used in this Act shall have the same meaning as provided by section 402 of the Clean Air Act.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) NITROGEN OXIDE STANDARD.—Sections 3, 4, and 5 of this Act shall take effect with respect to any emissions occurring after December 31, 2000.