

107TH CONGRESS
1ST SESSION

H. R. 979

To authorize the President and the Governor of a State to suspend certain environmental and siting requirements applicable to fossil fuel fired electric power plants to alleviate an electric power shortage that may present a threat to public health and safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2001

Mr. HUNTER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the President and the Governor of a State to suspend certain environmental and siting requirements applicable to fossil fuel fired electric power plants to alleviate an electric power shortage that may present a threat to public health and safety, 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. SUSPENSION OF CERTAIN REQUIREMENTS FOR**
2 **FOSSIL FUEL FIRED ELECTRIC POWER**
3 **PLANTS.**

4 (a) **ELECTRIC GENERATION SHORTAGE.**—Whenever
5 the President—

6 (1) determines that an emergency shortage of
7 electric generation capacity exists in any State, or

8 (2) receives from the Governor of any State a
9 declaration of an emergency issued by such Governor
10 respecting such a shortage,

11 if the President or Governor has determined that such
12 shortage has resulted, or may result, in an emergency that
13 presents a threat to public health and safety or the econ-
14 omy of such State, the President may take action under
15 subsection (b).

16 (b) **SUSPENSION OF REQUIREMENTS.**—Upon a deter-
17 mination referred to in subsection (a), the President may
18 suspend, or authorize the Governor to suspend either of
19 both of the following:

20 (1) Any requirements of an applicable imple-
21 mentation plan in effect in the State under the
22 Clean Air Act if such requirements limit the dura-
23 tion or amount of electric power generation for any
24 fossil fuel fired electric generating facility.

25 (2) Any requirements affecting the siting of any
26 new fossil fuel fired electric generating facility under

1 the National Environmental Policy Act, the Endan-
2 gered Species Act, the Clean Water Act, or any Fed-
3 eral, State or local governing the siting of new facili-
4 ties.

5 A suspension under this subsection shall remain in effect
6 for such period as the President deems necessary to pro-
7 tect public health and safety in the State in which such
8 emergency exists.

9 (c) EFFECT ON OTHER REQUIREMENTS.—Notwith-
10 standing emissions of any air pollutant from any facility
11 or facilities covered by a suspension under subsection
12 (a)(1) that are causing or contributing to concentrations
13 of such air pollutant in the State in excess of the applica-
14 ble national ambient air quality standard, the Adminis-
15 trator of the Environmental Protection Agency shall not
16 disapprove the State implementation plan under the Clean
17 Air Act, or promulgate a plan or plan provisions under
18 section 110(c) of that Act, for that State if the applicable
19 implementation plan under such Act for that State would
20 not have been disapproved, and no such plan or plan provi-
21 sions would have been promulgated by the Administrator,
22 in the absence of the suspension under subsection (a).

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