

Calendar No. 569

114TH CONGRESS
2^D SESSION

H. R. 2042

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2015

Received

JULY 14, 2016

Read twice and placed on the calendar

AN ACT

To allow for judicial review of any final rule addressing carbon dioxide emissions from existing fossil fuel-fired electric utility generating units before requiring compliance with such rule, and to allow States to protect households and businesses from significant adverse effects on electricity ratepayers or reliability.

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 “Ratepayer Protection
5 Act of 2015”.

1 **SEC. 2. EXTENDING COMPLIANCE DATES OF RULES AD-**
2 **DRESSING CARBON DIOXIDE EMISSIONS**
3 **FROM EXISTING POWER PLANTS PENDING**
4 **JUDICIAL REVIEW.**

5 (a) **EXTENSION OF COMPLIANCE DATES.**—

6 (1) **EXTENSION.**—Each compliance date of any
7 final rule described in subsection (b) is deemed to be
8 extended by the time period equal to the time period
9 described in subsection (c).

10 (2) **DEFINITION.**—In this subsection, the term
11 “compliance date”—

12 (A) means, with respect to any require-
13 ment of a final rule described in subsection (b),
14 the date by which any State, local, or tribal
15 government or other person is first required to
16 comply; and

17 (B) includes the date by which State plans
18 are required to be submitted to the Environ-
19 mental Protection Agency under any such final
20 rule.

21 (b) **FINAL RULES DESCRIBED.**—A final rule de-
22 scribed in this subsection is any final rule to address car-
23 bon dioxide emissions from existing sources that are fossil
24 fuel-fired electric utility generating units under section
25 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-
26 ing any final rule that succeeds—

1 (1) the proposed rule entitled “Carbon Pollu-
2 tion Emission Guidelines for Existing Stationary
3 Sources: Electric Utility Generating Units” pub-
4 lished at 79 Fed. Reg. 34830 (June 18, 2014); or

5 (2) the supplemental proposed rule entitled
6 “Carbon Pollution Emission Guidelines for Existing
7 Stationary Sources: EGUs in Indian Country and
8 U.S. Territories; Multi-Jurisdictional Partnerships”
9 published at 79 Fed. Reg. 65482 (November 4,
10 2014).

11 (c) PERIOD DESCRIBED.—The time period described
12 in this subsection is the period of days that—

13 (1) begins on the date that is 60 days after the
14 day on which notice of promulgation of a final rule
15 described in subsection (b) appears in the Federal
16 Register; and

17 (2) ends on the date on which judgment be-
18 comes final, and no longer subject to further appeal
19 or review, in all actions (including actions that are
20 filed pursuant to section 307 of the Clean Air Act
21 (42 U.S.C. 7607))—

22 (A) that are filed during the 60 days de-
23 scribed in paragraph (1); and

24 (B) that seek review of any aspect of such
25 rule.

1 (d) SENSE OF CONGRESS.—The Congress encourages
2 the Administrator of the Environmental Protection Agen-
3 cy, in promulgating, implementing, or enforcing any final
4 rule described in subsection (b), to specifically address
5 how the megawatt hours discharged from a pumped hy-
6 droelectric storage system will be incorporated into State
7 and Federal implementation plans adopted pursuant to
8 any such final rule.

9 **SEC. 3. RATEPAYER PROTECTION.**

10 (a) EFFECTS OF PLANS.—No State shall be required
11 to adopt or submit a State plan, and no State or entity
12 within a State shall become subject to a Federal plan, pur-
13 suant to any final rule described in section 2(b), if the
14 Governor of such State makes a determination, and noti-
15 fies the Administrator of the Environmental Protection
16 Agency, that implementation of the State or Federal plan
17 would—

18 (1) have a significant adverse effect on the
19 State’s residential, commercial, or industrial rate-
20 payers, taking into account—

21 (A) rate increases that would be necessary
22 to implement, or are associated with, the State
23 or Federal plan; and

24 (B) other rate increases that have been or
25 are anticipated to be necessary to implement, or

1 are associated with, other Federal or State en-
2 vironmental requirements; or

3 (2) have a significant adverse effect on the reli-
4 ability of the State's electricity system, taking into
5 account the effects on the State's—

6 (A) existing and planned generation and
7 retirements;

8 (B) existing and planned transmission and
9 distribution infrastructure; and

10 (C) projected electricity demands.

11 (b) CONSULTATION.—In making a determination
12 under subsection (a), the Governor of a State shall consult
13 with—

14 (1) the public utility commission or public serv-
15 ice commission of the State;

16 (2) the environmental protection, public health,
17 and economic development departments or agencies
18 of the State; and

19 (3) the Electric Reliability Organization (as de-
20 fined in section 215 of the Federal Power Act (16
21 U.S.C. 824o)).

22 **SEC. 4. TREATMENT OF HYDROPOWER AS RENEWABLE EN-**
23 **ERGY.**

24 In issuing, implementing, and enforcing any final rule
25 described in section 2(b), the Administrator of the Envi-

1 Environmental Protection Agency shall treat hydropower as re-
2 newable energy.

Passed the House of Representatives June 24, 2015.

Attest:

KAREN L. HAAS,

Clerk.

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