

105TH CONGRESS
1ST SESSION

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.

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 “Electric Utility Nitro-
5 gen Oxide Limitation Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Near term reductions in nitrogen oxides is
9 an important factor in meeting or exceeding our Na-
10 tion’s ambient air quality standards for ozone.

1 (2) Airborne nitrogen oxide pollution often mi-
2 grates across State boundaries.

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

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

11 (5) The current system of control of nitrogen
12 oxide emissions, when overlaid with the onset of
13 competition among electric power sources, may have
14 the unintended effect of encouraging power produc-
15 tion from plants with higher nitrogen oxide limits
16 and discouraging improvements in nitrogen oxide
17 controls.

18 **SEC. 3. ELECTRIC UTILITY NO_x POLLUTION LIMIT.**

19 It shall be unlawful for any fossil-fuel fired utility
20 unit with a nameplate capacity of greater than 25
21 megawatts of electrical output to emit nitrogen oxides in
22 excess of a maximum allowable emission standard of 0.35
23 pounds per million Btu.

1 **SEC. 4. WITHIN-STATE EMISSIONS AVERAGING.**

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

21 **SEC. 5. RULEMAKING; IMPLEMENTATION AND ENFORCE-**
22 **MENT.**

23 (a) RULEMAKING.—The Administrator of the Envi-
24 ronmental Protection Agency shall issue regulations to im-
25 plement and enforce the requirements of this Act. Such

1 regulations shall be issued not later than 60 days after
2 the date of the enactment of this Act.

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

11 **SEC. 6. DEFINITIONS.**

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

15 **SEC. 7. EFFECTIVE DATE.**

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

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

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