

109TH CONGRESS
1ST SESSION

H. R. 227

To reduce acid deposition under the Clean Air Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. SWEENEY (for himself, Mr. McHUGH, and Mr. BOEHLERT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To reduce acid deposition under the Clean Air Act, 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 “Acid Rain Control
5 Act”.

6 **SEC. 2. REDUCTION IN TOTAL ANNUAL EMISSIONS OF SUL-**
7 **FUR DIOXIDE BY UTILITY UNITS.**

8 The second sentence of section 403(a) of the Clean
9 Air Act (42 U.S.C. 7651b) is amended by striking the pe-
10 riod at the end and inserting “, and such 8.90 million tons

1 amount shall be reduced to 4.45 million tons for each of
2 calendar years 2010, 2011, 2012, and 2013, and shall be
3 further reduced to 3 million tons for calendar years there-
4 after.”.

5 **SEC. 3. REDUCTION IN TOTAL ANNUAL EMISSIONS OF NI-**
6 **TROGEN OXIDES BY AFFECTED FACILITIES.**

7 (a) TOTAL ANNUAL EMISSIONS.—The Administrator
8 of the Environmental Protection Agency shall ensure that
9 total annual emissions of nitrogen oxides by affected facili-
10 ties in the 50 States and the District of Columbia do not
11 exceed—

12 (1) 2.10 million tons for each of calendar years
13 2010, 2011, 2012, and 2013; and

14 (2) 1.70 million tons for calendar year 2014
15 and each calendar year thereafter.

16 (b) PENALTY.—The owner or operator of any af-
17 fected facility that emits nitrogen oxides for any calendar
18 year after 2009 in excess of the facility’s emissions limita-
19 tion requirement, or any allowance the owner or operator
20 holds for the facility for that calendar year, under regula-
21 tions promulgated under this Act or title IV of the Clean
22 Air Act (42 U.S.C. 7651 et seq.)—

23 (1) shall be liable for the payment of an excess
24 emissions penalty under section 411 of such title (42
25 U.S.C. 7651j), except that the penalty shall be cal-

1 culated on the basis of the number of tons emitted
2 in excess of the facility's emissions limitation re-
3 quirement multiplied by \$6,000; and

4 (2) shall be liable to offset the excess emissions
5 by an equal tonnage amount in the manner applica-
6 ble under section 411 of such title (42 U.S.C. 7651j)
7 to the owner or operator of any affected source that
8 emits excess sulfur dioxide.

9 (c) AFFECTED FACILITY.—For purposes of this sec-
10 tion, the term “affected facility” means a facility with 1
11 or more combustion units that serve at least 1 electricity
12 generator with a capacity not less than 25 megawatts.

13 **SEC. 4. MERCURY EMISSION CONTROL.**

14 (a) REGULATION.—Not later than March 15, 2005,
15 the Administrator shall promulgate a regulation control-
16 ling electric utility and industrial source emissions of mer-
17 cury in the 50 States and the District of Columbia.

18 (b) PROHIBITION ON TRANSFER.—The Adminis-
19 trator may not allow any electric utility or other industrial
20 source to transfer any mercury emission allowance.

21 **SEC. 5. REGULATIONS.**

22 (a) IN GENERAL.—The Administrator shall promul-
23 gate regulations to carry out sections 2, 3, and 4 that—

1 (1) may, except in the case of mercury, provide
2 for market-oriented mechanisms, such as emissions
3 trading, auctions, or other allocation methods;

4 (2) shall prevent localized adverse effects on
5 public health and the environment; and

6 (3) shall ensure that significant emission reduc-
7 tions are achieved in both the Eastern and Western
8 Regions of the United States.

9 (b) DEADLINE.—The Administrator shall promul-
10 gate—

11 (1) the regulations required under subsection
12 (a) to carry out sections 2 and 3 not later than 2
13 years after the date of the enactment of this Act;
14 and

15 (2) the regulations required under subsection
16 (a) to carry out section 4 not later than March 15,
17 2005.

18 **SEC. 6. REGIONAL ECOSYSTEMS.**

19 (a) REPORT.—

20 (1) IN GENERAL.—Not later than December 31,
21 2009, the Administrator shall submit to the Con-
22 gress a report identifying objectives for scientifically
23 credible environmental indicators, as determined by
24 the Administrator, that are sufficient to protect sen-
25 sitive ecosystems of the Adirondack Mountains, mid-

1 Appalachian Mountains, Rocky Mountains, and
2 Southern Blue Ridge Mountains, and water bodies
3 of the Great Lakes, Lake Champlain, Long Island
4 Sound, and the Chesapeake Bay.

5 (2) ACID NEUTRALIZING CAPACITY.—The re-
6 port shall—

7 (A) include acid neutralizing capacity as
8 an indicator; and

9 (B) identify as an objective the objective of
10 increasing the proportion of water bodies in
11 sensitive receptor areas with an acid neutral-
12 izing capacity greater than zero from the pro-
13 portion identified in surveys begun in 1984.

14 (3) UPDATED REPORT.—Not later than Decem-
15 ber 31, 2013, the Administrator shall submit to the
16 Congress a report updating the report under para-
17 graph (1) and assessing the status and trends of
18 various environmental indicators for the regional
19 ecosystems referred to in paragraph (1).

20 (4) REPORTS UNDER THE NATIONAL ACID PRE-
21 CIPITATION ASSESSMENT PROGRAM.—The reports
22 under this subsection shall be subject to the require-
23 ments applicable to a report under section
24 103(j)(3)(E) of the Clean Air Act (42 U.S.C.
25 7403(j)(3)(E)).

1 (b) REGULATIONS.—

2 (1) DETERMINATION.—Not later than Decem-
3 ber 31, 2013, the Administrator shall determine
4 whether emissions reductions called for in this Act
5 are sufficient to ensure achievement of the objectives
6 stated in subsection (a)(1).

7 (2) PROMULGATION.—If the Administrator
8 finds under paragraph (1) that emission reductions
9 are not sufficient to ensure achievement of the objec-
10 tives identified in subsection (a)(1), the Adminis-
11 trator shall promulgate, not later than 2 years after
12 making the finding, such regulations, including
13 modification of nitrogen oxides and sulfur dioxide al-
14 lowance allocations or any such measure, as the Ad-
15 ministrator determines are necessary to protect the
16 sensitive ecosystems described in subsection (a)(1).

17 **SEC. 7. ADMINISTRATOR.**

18 For purposes of this Act, the term “Administrator”
19 means the Administrator of the Environmental Protection
20 Agency.

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