

110TH CONGRESS  
1ST SESSION

# S. 1227

To amend the Clean Air Act to establish carbon dioxide new source performance standards for new coal-fired electric generating units.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2007

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to establish carbon dioxide new source performance standards for new coal-fired electric generating units.

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 “Clean Coal Act of  
5 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) fossil fuel-fired power plants are the largest  
9 source of carbon dioxide emissions in the United

1 States, releasing approximately 2,500,000,000 tons  
2 of heat-trapping carbon dioxide in 2004;

3 (2) United States power plants are responsible  
4 for nearly 40 percent of the carbon dioxide emissions  
5 of the United States;

6 (3) coal power plants are responsible for pro-  
7 ducing approximately 30 percent of United States  
8 annual carbon dioxide emissions;

9 (4) according to the National Energy Tech-  
10 nology Laboratory of the Department of Energy—

11 (A) over 150 new coal-fired electric gener-  
12 ating units are proposed to be constructed in  
13 the United States, which would produce 96  
14 gigawatts of new electric generating capacity;  
15 and

16 (B) if the units described in subparagraph  
17 (A) are constructed, the units would produce—

18 (i) an incremental increase of  
19 500,000,000 tons of carbon dioxide per  
20 year from the production by the power sec-  
21 tor in the United States as in existence on  
22 the date of enactment of this Act; and

23 (ii) an estimated 30,000,000,000 ad-  
24 ditional tons of carbon dioxide over the  
25 course of the useful lives of the units;

1           (5) once completed, power plants often operate  
2 for 50 years or more;

3           (6) in August 2006, Xcel Energy announced a  
4 project for generating electricity from coal that will  
5 use available technology to capture carbon dioxide  
6 and store the carbon dioxide underground;

7           (7) designing and building power plants to  
8 achieve lower carbon dioxide emissions is far less ex-  
9 pensive and more efficient than retrofitting conven-  
10 tional power plants that have excessive carbon diox-  
11 ide emissions;

12           (8) on February 26, 2006, the Administrator of  
13 the Environmental Protection Agency published final  
14 emission standards for new fossil fuel-fired electric  
15 utility steam generating units and improperly failed  
16 to include emission standards for heat-trapping car-  
17 bon dioxide;

18           (9) in 2006, the Energy Information Adminis-  
19 tration forecast that annual carbon dioxide pollution  
20 from power plants will increase by 1,100,000,000  
21 tons between 2004 and 2030;

22           (10) the projected increase in annual carbon di-  
23 oxide pollution from power plants in 2030 is equiva-  
24 lent to the annual carbon dioxide emissions from  
25 196,000,000 cars;

1           (11) global temperatures increased an average  
2 of 1.4 degrees Fahrenheit during the 21st century,  
3 which contribute to—

4                   (A) melting glaciers;

5                   (B) disappearing species;

6                   (C) more extreme weather patterns, includ-  
7 ing heat waves in 2006 that killed more than  
8 200 Americans, including more than 160 Cali-  
9 fornians; and

10                  (D) more intense hurricanes;

11           (12) the temperature of the Earth is now the  
12 highest it has been in the past 12,000 years, and is  
13 only 1.8 degrees Fahrenheit cooler than the max-  
14 imum temperature of the past 1,000,000 million  
15 years; and

16           (13) unless significant action is taken today to  
17 reduce emissions, the Earth could warm between 5  
18 and 9 degrees Fahrenheit causing the ice sheets to  
19 melt, sea levels to rise, and flooding to occur.

20 **SEC. 3. CARBON DIOXIDE NEW SOURCE PERFORMANCE**  
21 **STANDARDS FOR NEW COAL-FIRED ELECTRIC**  
22 **GENERATING UNITS.**

23           Section 111 of the Clean Air Act (42 U.S.C. 7411)  
24 is amended by adding at the end the following:

1       “(k) CARBON DIOXIDE STANDARDS OF PERFORM-  
2 ANCE FOR AFFECTED UNITS.—

3               “(1) DEFINITION OF AFFECTED UNIT.—In this  
4 subsection, the term ‘affected unit’ means a new  
5 coal-fired electric generating unit (including a cogen-  
6 eration facility) that commences construction on or  
7 after April 26, 2007.

8               “(2) EMISSIONS LIMITATION.—Each affected  
9 unit shall meet, without interruption throughout the  
10 lifetime operation of the affected unit, a standard of  
11 performance that, at a minimum, requires the af-  
12 fected unit to produce not more than 285 pounds of  
13 carbon dioxide per megawatt-hour for supply to the  
14 grid.

15               “(3) REVISIONS.—

16                       “(A) IN GENERAL.—Not later than Janu-  
17 ary 1, 2012, and every 5 years thereafter, the  
18 Administrator shall revise the carbon dioxide  
19 standard of performance established under  
20 paragraph (2) to reduce the maximum rate of  
21 carbon dioxide emissions if a reduced level is  
22 achievable through the application of the best  
23 technological system of continuous emission re-  
24 duction demonstrated at the time of the revi-  
25 sion.

1           “(B) PUBLICATION.—The revision (or de-  
2           termination that a reduced level is not achiev-  
3           able) shall be published in the Federal Register  
4           (after notice and opportunity for public com-  
5           ment) not later than the deadline required, and  
6           shall be considered final agency action, under  
7           section 307(b)(1).

8           “(4) INJECTION INTO GEOLOGICAL FORMA-  
9           TIONS.—Carbon dioxide that is injected into a geo-  
10          logical formation in a manner that prevents the re-  
11          lease of the carbon dioxide into the atmosphere, as  
12          determined by the Administrator, shall not be count-  
13          ed as carbon dioxide emissions discharged from an  
14          affected unit for purposes of meeting the carbon di-  
15          oxide standard of performance under this sub-  
16          section.”.

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