

109TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To amend the Clean Air Act to reduce emissions from electric powerplants,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. WAXMAN introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# A BILL

To amend the Clean Air Act to reduce emissions from  
electric powerplants, 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 “Clean Smokestacks  
5 Act of 2005”.

6 **SEC. 2. REDUCTION OF EMISSIONS FROM POWERPLANTS.**

7 Part A of title I of the Clean Air Act (42 U.S.C. 7401  
8 et seq.) is amended by adding at the end the following:



1 **“SEC. 132. REDUCTION OF EMISSIONS FROM POWER-**  
2 **PLANTS.**

3 “(a) EMISSION REDUCTION OBJECTIVES.—The emis-  
4 sion reduction objectives of this section are to reduce, not  
5 later than January 1, 2010:

6 “(1) aggregate sulfur dioxide emissions from  
7 powerplants by 75 percent from the levels allowed  
8 under full implementation of the Phase II sulfur di-  
9 oxide requirements under title IV (relating to acid  
10 deposition control);

11 “(2) aggregate nitrogen oxide emissions from  
12 powerplants by 75 percent from 1997 levels;

13 “(3) aggregate carbon dioxide emissions from  
14 powerplants to the level of carbon dioxide emissions  
15 from powerplants in 1990; and

16 “(4) aggregate mercury emissions from power-  
17 plants by 90 percent from the 1999 levels.

18 “(b) AGENCY ACTION.—

19 “(1) REGULATIONS.—

20 “(A) IN GENERAL.—Not later than 2 years  
21 after the date of enactment of this section, the  
22 Administrator shall promulgate regulations to  
23 achieve the emission reduction objectives speci-  
24 fied in subsection (a).

25 “(B) ELEMENTS.—The regulations pro-  
26 mulgated under subparagraph (A)—



1           “(i) shall achieve the objectives in a  
2           manner that the Administrator determines  
3           will allocate required emission reductions  
4           equitably, taking into account emission re-  
5           ductions achieved before the date of enact-  
6           ment of this section and other relevant fac-  
7           tors;

8           “(ii) may include, except in the case  
9           of mercury, market-oriented mechanisms  
10          (such as emissions trading based on gen-  
11          eration performance standards, auctions,  
12          or other allocation methods);

13          “(iii) shall prevent localized adverse  
14          effects on public health and the environ-  
15          ment and ensure that significant emission  
16          reductions are achieved in both the East-  
17          ern and Western regions of the United  
18          States;

19          “(iv) shall ensure that any captured  
20          or recovered mercury is not rereleased into  
21          the environment; and

22          “(v) shall, include, consistent with  
23          achieving the objectives set forth in sub-  
24          section (a), incentives for renewable en-  
25          ergy.



1           “(2) INTERAGENCY COORDINATION TO MINI-  
2           MIZE COSTS AND MAXIMIZE GAINS.—To minimize  
3           the economic costs and maximize the economic gains  
4           of achieving the emission reduction objectives speci-  
5           fied in subsection (a), the Administrator shall co-  
6           ordinate with other departments and agencies of  
7           Federal and State government to increase energy ef-  
8           ficiency, to increase the use of renewable energy, and  
9           to implement cost saving advanced demand and sup-  
10          ply side policies, such as those described in the re-  
11          port prepared by the Interlaboratory Working Group  
12          of the Department of Energy entitled ‘Scenarios for  
13          a Clean Energy Future’, dated November 2000.

14          “(c) ADDITIONAL REDUCTIONS.—The regulations  
15          promulgated under subsection (b) may require additional  
16          reductions in emissions from powerplants if the Adminis-  
17          trator determines that the emission levels necessary to  
18          achieve the emission reduction objectives specified in sub-  
19          section (a) are not reasonably anticipated to protect public  
20          health or welfare.

21          “(d) MODERNIZATION OF OUTDATED POWER-  
22          PLANTS.—

23                 “(1) IN GENERAL.—On the later of the date  
24                 that is 30 years after a powerplant commenced oper-



1           ation or the date that is 5 years after the date of  
2           enactment of this section, it shall comply with—

3                   “(A) the most recent new source perform-  
4                   ance standards promulgated under section 111;  
5                   and

6                   “(B) the requirements under parts C and  
7                   D that are applicable to modified sources.

8                   “(2) ADDITIONAL REQUIREMENTS.—The re-  
9                   quirements of this subsection shall be in addition to  
10                  the requirements of the regulations promulgated  
11                  under subsection (b).

12                  “(e) OTHER REQUIREMENTS.—The requirements of  
13                  this section shall be in addition to, and not in lieu of, any  
14                  other requirement of this Act.

15                  “(f) DEFINITION.—In this section, the term ‘power-  
16                  plant’ means an electric generation facility with a name-  
17                  plate capacity of 15 megawatts or more that uses a com-  
18                  bustion device to generate electricity for sale.”.

