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Folder Title:
Byrd-Bond Clean Air Substitute

Stack:	Row:	Section:	Shelf:	Position:
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Katy,

— 2/27

Here's Byrd - Bond
substitute. I should
know our views on
it later today.

Rumor has it that
there will be a Mitchell
substitute as well. If
you get it, let me know
I'll do likewise. Thanks
— Mary Ann

AMENDMENT NO. _____

Calendar No. _____

Purpose: An amendment to replace title IV of the Committee amendment.

IN THE SENATE OF THE UNITED STATES—101st Cong., 2d Sess.

S. 1630

To amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BYRD (for himself and Mr. BOND)

Viz:

- 1 On page 446, begin with line 15, strike out all through
- 2 line 6 on page 495 and insert in lieu thereof the following:
- 3 TITLE IV—ACID DEPOSITION CONTROL
- 4 SEC. 401. The Clean Air Act is amended by adding
- 5 the following new title:
- 6 “TITLE IV—ACID DEPOSITION CONTROL
- 7 “FINDINGS AND PURPOSES
- 8 “SEC. 401. (a) FINDINGS.—The Congress finds that—
- 9 “(1) the presence of acidic compounds and
- 10 their precursors in the atmosphere and in deposition

1 “(b) PURPOSES.—The purpose of this title is to reduce
2 the adverse effects of acid deposition through reductions in
3 annual emissions of sulfur dioxide of ten million tons from
4 1980 emission levels, and, in combination with other pro-
5 visions of this Act, of nitrogen oxides emissions of ap-
6 proximately two million tons from 1989 projected emis-
7 sions for calendar year 2000, in the forty-eight contiguous
8 States and the District of Columbia. It is also the purpose
9 of this title to encourage energy conservation, use of re-
10 newable and clean alternative technologies, and pollution
11 prevention as a long-range strategy for reducing air pollu-
12 tion and other adverse impacts of energy production and
13 use.

14 “DEFINITIONS

15 “SEC. 402. As used in this title—

16 “(a) The term ‘affected source’ means a source that
17 includes one or more affected units.

18 “(b) The term ‘affected unit’ means a unit that is sub-
19 ject to emission reduction requirements or limitations
20 under sections 404, 405, 406, or 409 of this title.

21 “(c) The term ‘allowance’ means an authorization,
22 issued to an affected source by the Administrator under
23 this title, to emit, during a specified calendar year, one ton
24 of sulfur dioxide or nitrogen oxides.

25 “(d) The term ‘baseline’ means the annual quantity of
26 fossil fuel consumed, measured in millions of British ther-

mal units ('mmBtu's'), by an affected unit, calculated as follows:

"(1) For each steam-electric generating utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu's consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 National Acid Precipitation Assessment Program (NAPAP) Emissions Inventory, Version 2, National Utility Reference File (NURF). For other units, the baseline is the NAPAP Emissions Inventory, Version 2. The Administrator may exclude periods during which a unit is shutdown for a continuous period of four months or longer.

"(2) For each existing steam-electric generating utility unit that entered commercial operation on or after January 1, 1985, the baseline shall be equal to one of the following to be selected by the owner or operator:

"(A) the unit's average annual quantity of mmBtu's consumed in fuel during any three consecutive calendar years between 1985 and

1 1989 (or, in the case of a unit in operation for
2 less than 3 years between 1985 and 1989, the
3 unit's average annual quantity of mmBtu's con-
4 sumed in fuel for the period beginning on the
5 date it commences operation and ending on De-
6 cember 31, 1989); or

7 “(B) the unit's annual fuel consumption,
8 on a mmBtu basis, at a 65 per centum capacity
9 factor.

10 An election under subparagraph (A) shall be avail-
11 able for a unit only if the owner or operator thereof
12 demonstrates that the fuel consumption of the unit
13 concerned has been filed, as required for such units,
14 for the appropriate years on Department of Energy
15 Form 767.

16 “(e) The term ‘capacity factor’ means the ratio be-
17 tween the actual electric output from a unit and the poten-
18 tial electric output from that unit.

19 “(f) The term ‘compliance plan’ means a plan sub-
20 mitted pursuant to section 407 describing how the source
21 will comply with all applicable requirements under this
22 title, including a schedule for compliance and certification
23 by the owner or operator that the facility is in compliance
24 with the requirements of this title.

1 “(g) The term ‘continuous emission monitor’ (CEM)
2 means the equipment used to sample, analyze, measure,
3 and provide on a continuous basis a permanent record of
4 emissions and flow (expressed in pounds per million Brit-
5 ish thermal units (lbs/mmBtu) and pounds per hour (lbs/
6 hr)) or such other forms as the Administrator may pre-
7 scribe by regulations under section 411 of this title.

8 “(h) The term ‘existing unit’ means a unit (including
9 units subject to section 111) construction of which com-
10 menced (as defined in section 169(2)(A)) prior to July 27,
11 1989. Any unit modified, reconstructed, or repowered after
12 the date of enactment of the Clean Air Act Amendments of
13 1990 shall continue to be an existing unit for purposes of
14 this title.

15 “(i) The term ‘generating unit’ means a turbine to-
16 gether with its generator reported pursuant to Department
17 of Energy Form 860.

18 “(j) The term ‘new unit’ means a unit that construc-
19 tion of which commenced (as defined in section
20 169(2)(A)) on or after July 27, 1989.

21 “(k) The term ‘permitting authority’ means the Ad-
22 ministrator or the air pollution control agency, as defined
23 under section 302(b).

24 “(l)(1) The term ‘clean coal technology’ means any
25 technology included on a list to be published not later than

} *

1 December 31, 1992 (and from time to time may be added
2 thereto as determined by the criteria set forth in paragraph
3 (2)), by the Secretary of Energy, after consultation with the
4 Administrator. Such list shall include the following clean
5 coal technologies: atmospheric and pressurized fluidized
6 bed combustion, integrated gasification combined cycle,
7 magnetohydrodynamics, direct and indirect coal-fired tur-
8 bines, integrated gasification fuel cells, derivatives of one
9 or more of these technologies, and any technology which
10 reduces or removes simultaneously emissions of sulfur di-
11 oxide and oxides of nitrogen.

8 CO₂ ^ *
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12 “(2) For the purposes of determining any additions to
13 the list specified in paragraph (1), the Secretary of Energy,
14 in consultation with the Administrator, shall consider the
15 following criteria: efficiency in energy consumption,
16 number of pollutants controlled, effect of the derating of a
17 boiler, reduction of volumes of by-product wastes, and the
18 different availability dates for qualifying clean coal tech-
19 nologies.

20 “(m) The term ‘clean coal unit’ means a unit that
21 utilizes a clean coal technology.

22 “(n) The term ‘retrofit’ means to install a clean coal
23 technology at an existing unit. Such term includes replace-
24 ment of all or part of an existing unit with equipment or
25 facilities utilizing a clean coal technology at the same site.

1 “(o) The terms ‘replace’ and ‘replacement’ mean to
2 replace an existing unit with a new clean coal unit which is
3 located at a different site, but only if (1) the new unit is
4 designated under section 408(a) to replace such existing
5 unit, (2) the existing unit will be retired from service on or
6 before the date on which the designated unit enters com-
7 mercial service, and (3) the designated unit is (A) owned
8 or operated by the same person that owns or operates the
9 existing unit (or by an affiliate of such person), and (B)
10 located in the same air quality control region as the exist-
11 ing unit.

12 “(p) The term ‘State’ means one of the 48 contiguous
13 States and the District of Columbia.

14 “(q) The term ‘unit’ means a fossil fuel-fired com-
15 bustion device.

16 “(r) The term ‘actual 1985 emission rate’ for electric
17 utility units means the annual average sulfur dioxide or
18 nitrogen oxides emission rate in units of pounds per mil-
19 lion Btu as reported in the NAPAP Emissions Inventory,
20 Version 2, National Utility Reference File. For nonutility
21 units, the term ‘actual 1985 emission rate’ means the
22 annual average sulfur dioxide or nitrogen oxides emission
23 rate in units of pounds per million Btu as reported in the
24 NAPAP Emission Inventory, Version 2.

1 “(s) The term ‘utility unit’ means a unit that produces
2 electricity for sale. For purposes of this title, a unit that
3 cogenerates steam and electricity shall be considered a
4 utility unit if the unit is constructed for the purposes of
5 supplying more than one-third of its potential electric
6 output capacity and more than 25 megawatts electric
7 output to any utility system for sale.

cogeneration

8 “(t) The term ‘eligible Phase I unit’ means an affect-
9 ed unit listed in Table A of section 404 or substituted
10 under section 404(b) for a unit listed in Table A which
11 utilizes a technological system of continuous emission re-
12 duction which achieves a 90 percent reduction in emis-
13 sions from the emissions that would have resulted from the
14 use of fuels which were not subject to treatment prior to
15 combustion.

scrubbing

*7 ~ from
what sys.
fuels*

16 “(u) The term ‘base allowance’ means an allowance
17 issued under section 403(a)(1).

18 “(v) The term ‘incentive allowance’ means an allow-
19 ance issued under section 403(a)(2).

20 “(w) The term ‘excess base allowances’ means (1)
21 the total base allowances issued to an affected unit in any
22 one calendar year, minus (2) such unit’s operating allow-
23 ances for such year.

1 “(x) The term ‘operating allowances’ means the base
2 allowances identified (in such unit’s compliance plan
3 under section 407(b)) as required to operate such unit.

4 “ALLOWANCE PROGRAM FOR AFFECTED UNITS

5 “SEC. 403. (a) ALLOCATION OF ANNUAL ALLOWANCES
6 FOR EXISTING UNITS.—

7 “(1) BASE ALLOWANCES.—For the emission lim-
8 itation programs under this title, the Administrator
9 shall allocate annual base allowances to the owner or
10 operator of the affected units at an affected source in
11 an amount equal to the annual tonnage emission
12 limits calculated under sections 404, 405, 406, and
13 409, except as otherwise specifically provided in this
14 title. The Administrator shall issue base allowances
15 for each affected unit at an affected source at the
16 time the permit is issued for such source, as provid-
17 ed in section 407. If an existing unit subject to the
18 requirements of sections 404, 405, or 406 is removed
19 from commercial operation, the annual allocation of
20 base allowances shall continue to be issued to the
21 owner or operator for each 5-year period in accord-
22 ance with the schedule for issuance of permits pursu-
23 ant to section 351 and section 407.

24 “(2) INCENTIVE ALLOWANCES.—In addition to base al-
25 lowances issued under paragraph (1), the Administrator
26 shall at the time a permit is issued for such source under

1 section 407(c) issue to the owner or operator of each eligi-
2 ble Phase I unit, in calendar years 1997, 1998, and 1999, a
3 number of incentive allowances equal to (A) the product of
4 such unit's baseline times an emission rate of 1.2 lbs/
5 mmBtu, divided by 2,000, minus (B) such unit's operating
6 allowances. All incentive allowances shall be deposited in
7 the EPA Allowance Pool for sale pursuant to subsection
8 (c).

*extra
allowance*

9 “(b) ALLOWANCE SYSTEM.—

10 “(1) ESTABLISHMENT OF SYSTEM.—The Adminis-
11 trator shall promulgate regulations, no later than 18
12 months after the date of enactment of this title, to es-
13 tablish the allowance system prescribed under this
14 section, including but not limited to, requirements
15 for the issuance, transfer, and use of allowances
16 under this title. Such regulations shall prohibit the
17 use of allowances prior to the calendar year for
18 which the allowances were issued, and shall provide
19 for the identification of unused allowances and for
20 such unused allowances to be carried forward and
21 added to allowances allocated in subsequent years.

banking

22 Nothing in the regulations under this subsection shall
23 relieve the Administrator of the Administrator's per-
24 mitting, monitoring, and enforcement obligations
25 under this Act nor relieve sources of their require-

1 ments and liabilities under this Act. Transfers of al- *sale*
2 lowances (other than through the EPA Allowance
3 Pool established under subsection (c)) shall not be
4 effective until written certification of the transfer,
5 signed by a responsible official of each party to the
6 transfer, is received and recorded by the Administra-
7 tor.

8 “(2) ALLOWANCE TRACKING.—The Administra-
9 tor shall promulgate, not later than 18 months after
10 the date enactment of this title, a system for issuing,
11 recording, and tracking allowances and shall specify
12 procedures and requirements. All allowance alloca-
13 tions and transfers shall upon recordation by the Ad-
14 ministrator be deemed a part of each unit’s permit
15 requirements pursuant to section 407, but shall not
16 require permit review and revision.

17 “(c) EPA ALLOWANCE POOL.—

18 “(1) ESTABLISHMENT OF POOL.—Not later than
19 18 months after the date of enactment of this title,
20 the Administrator shall promulgate (and may from
21 time to time revise) regulations under which he shall
22 establish an EPA Allowance Pool through which the
23 Administrator shall sell (by auction or otherwise) the
24 allowances deposited in the pool under paragraph (3)
25 to persons who are, or will be, owners or operators

*Prohibit use for
pool derived
from?*

1 of affected units (including units subject to the re-
2 quirements of subsection (e)) and to marketing inter-
3 mediaries or other persons whose participation the
4 Administrator determines is consistent with orderly
5 functioning of a national market for allowances and
6 with preservation of competition in the electric
7 power industry. Such regulations shall prescribe the
8 manner of the purchase of allowances and the sale of
9 allowances from such pool. The Administrator shall
10 commence periodic sales of allowances from such
11 pool as allowances are deposited therein. Pursuant to
12 regulations under this paragraph, the Administration
13 may by delegation or contract provide for the mar-
14 keting under the Administrator's supervision of al-
15 lowances from the EPA Allowance Pool by other de-
16 partments or agencies or by nongovernmental enti-
17 ties.

18 “(2) DEPOSIT OF ALLOWANCES.—All incentive
19 allowances are required to be deposited in the EPA
20 Allowance Pool. Any person who wishes to sell base
21 allowances through the EPA Allowance Pool shall
22 deposit such allowances in such pool for sale by the
23 Administrator under this subsection. A person depos-
24 iting base allowances may condition sale of such al-
25 lowances on obtaining a minimum price.

11
give
extra incentives
& base
allowances of
a source wants
EPA to sell.

“(3) UTILITY BASE ALLOWANCES.—An electric utility company that holds base allowances may not sell or otherwise transfer such allowances except within the same utility system or through the EPA Allowance Pool established under paragraph (1), except that—

“(A) on the request of the Governor of a State, the Administrator shall exempt from this paragraph transfers of allowances between sources within such State, and

“(B) the Administrator by rule or order may exempt other transactions or classes of transactions from this paragraph, if he finds such exemption consistent with orderly functioning of a national market for allowances and with preservation of competition in the electric power industry.

“(4) ENTITLEMENT TO PROCEEDS OF SALE.—Payments received for allowances purchased from the EPA Allowance Pool shall be credited to a revolving fund established under paragraph (5), and shall be disbursed to persons who deposited allowances in the pool in accordance with rules prescribed by the Administrator. Such rules shall provide that persons who deposit allowances in such pool shall have a

*permitted
region of
country*

*Can only sell
to your co?
region outside
of their the
pool.*

1 right to receive the proceeds of sale of such allow-
2 ances as follows:

3 "(A) Allowances on deposit in the pool at
4 the time of a sale shall be deemed sold in the
5 following order:

6 "(i) incentive allowances, in the order
7 deposited; and

8 "(ii) all other allowances, in the order
9 deposited.

10 "(B) Proceeds of a sale of allowances shall
11 be allocated on a pro rata basis to the depositors
12 of the allowances sold, except that depositors of
13 incentive allowances shall receive pro rata not
14 less than \$500 per ton for each incentive allow-
15 ance sold (but not more in the aggregate than
16 the net proceeds of such sale). The Administra-
17 tor shall adjust annually the \$500 per ton mini-
18 mum payments under this subparagraph to re-
19 flect changes in the Consumer Price Index after
20 calendar year 1990. Amounts paid to depositors
21 under this subparagraph shall be treated, for
22 purposes of the Internal Revenue Code of 1986,
23 as a return of capital to the extent of the basis
24 of the technological system of continuous emis-

*pro rata certain
incl. & hence must
be first.*

*including those allowances
or just for those
incentive
allowances
per ton for
incentive allowances*

*pro rata
per ton.*

1 sion reductions utilized in the eligible Phase I
2 unit.

3 “(5) REVOLVING FUND.—There is hereby estab-
4 lished an Allowance Pool Revolving Fund into
5 which all amounts paid to the Administrator under
6 this subsection shall be deposited and out of which
7 all amounts required to be paid under paragraph (4)
8 shall be paid.

9 “(d) INTERPOLLUTANT TRADING.—The regulations
10 under subsection (b) shall provide for interpollutant trading
11 and banking of sulfur dioxide and nitrogen oxides allow-
12 ances, subject to the limitations of subsections (b) and (c).
13 Such rules shall provide that, for trading purposes, 1.5
14 pounds of nitrogen oxides shall be equivalent to 1.0 pound
15 of sulfur dioxide. Interpollutant trades of these pollutants
16 in areas failing to meet the national ambient air quality
17 standards shall be subject to approval by the Administra-
18 tor.

19 “(e) NEW UTILITY UNITS.—The owner or operator of
20 each new utility unit must hold allowances equal to the
21 annual tonnage of sulfur dioxide emitted by such unit after
22 January 1, 2000. Such new utility units shall not be eligi-
23 ble for an allocation of sulfur dioxide allowances under
24 subsection (a), but may obtain the requisite allowances by
25 transfer from the holder thereof (subject to subsection

1 (c)(3)) or through the EPA Allowance Pool. After January
2 1, 2000, it shall be unlawful for any new utility unit to
3 emit sulfur dioxide in an amount exceeding the allowances
4 the owner or operator of such unit holds for such unit. The
5 owner or operator of any new utility unit in violation of
6 this subsection shall be liable for fulfilling the obligations
7 specified in section 410 of this title.

8 “(f) NATURE OF ALLOWANCES.—An allowance issued
9 under this title is a limited authorization to emit sulfur di-
10 oxide or nitrogen oxides in accordance with the provisions
11 of this title. Such allowance does not constitute a property
12 right. Allowances under this title may not be extinguished
13 by the Administrator.

14 “(g) PROHIBITION.—It shall be unlawful for any
15 person to hold or transfer any allowance issued under this
16 title, except in accordance with this title and regulations
17 issued thereunder.

18 “(h) AUGMENTATION OF POOL.—If necessary to aug-
19 ment the inventory of allowances in the EPA Allowance
20 Pool, the Administrator may by rule require deposit in the
21 pool of any excess base allowances held by an electric util-
22 ity company which by December 31, 2000, have neither
23 been utilized by such company nor identified to a specific
24 forecasted utility system requirement. Allowances required
25 to be deposited in the pool pursuant to this subsection shall

*forced
pool.*

1 be reimbursed from the proceeds from sale of such allow-
2 ances, in accordance with subsection (c)(4).

3 "PHASE I SULFUR DIOXIDE REQUIREMENTS

4 "SEC. 404. (a) EMISSION LIMITATIONS.—(1) After Jan-
5 uary 1, 1995, each source that includes one or more affect-
6 ed units listed in Table A is an affected source under this
7 section.

8 "(2) It shall be unlawful for any affected unit listed in
9 Table A (other than an eligible Phase I unit) to emit sulfur
10 dioxide on or after January 1, 1995, in excess of the ton-
11 nage limitation stated in Table A unless the emission re-
12 duction requirements applicable to such unit have been
13 achieved pursuant to subsection (b) or such unit has ob-
14 tained allowances equal to the emissions in excess of those
15 permitted under Table A pursuant to section 403.

16 "(3) It shall be unlawful for any affected unit listed in
17 Table A which is an eligible Phase I unit to emit sulfur
18 dioxide on or after January 1, 1997, in excess of such
19 unit's operating allowances, unless such unit has obtained
20 (or satisfies the Administration it will within 12 months
21 obtain) allowances equal to twice the amount of such
22 excess.

23 "(4) The owner or operator of any unit in violation of
24 this section shall be liable for fulfilling the obligations
25 specified in section 411 of this title. The annual tonnage
26 limitation for any unit listed in Table A shall equal the

1 product of such unit's baseline multiplied by an emission
2 rate of 2.5 lbs/mmBtu, divided by 2,000.

3 “(b) SUBSTITUTIONS.—The owner or operator of an
4 affected unit under subsection (a) may submit a proposal
5 to the Administrator to reassign, in whole or in part, the
6 sulfur dioxide reduction requirements to any other unit(s)
7 under the control of such owner or operator. Such proposal
8 shall specify—

9 “(1) the designation of the substitute affected
10 units to which any part of the reduction obligations
11 of subsection (a) shall apply, in addition to, or in
12 lieu of, the original affected units designated under
13 such subsection;

14 “(2) the baseline, the actual 1985 sulfur dioxide
15 emission rate, and the authorized annual tonnage
16 limitation stated in Table A for the original affected
17 unit;

18 “(3) calculation of the calendar year 1985
19 annual tonnage emitted by the substitute units, based
20 on the baseline for each unit, as defined in section
21 402(d), multiplied by the unit's actual 1985 emission
22 rate;

23 “(4) the emission rates and the actual tonnage
24 that would be applicable to the original and substi-
25 tute affected units;

*in some cases
also?*

1 “(5) documentation, to the satisfaction of the
2 Administrator, that the reassigned tonnage limits
3 will, in total, achieve the same or greater emissions
4 reduction than would have been achieved without
5 such substitutions; and

6 “(6) such other information as the Administra-
7 tor may require.

8 “(c) ADMINISTRATOR’S ACTION ON A PROPOSAL.—

9 “(1) The Administrator shall approve or disap-
10 prove such substitution not later than 6 months after
11 receipt of a substitution proposal that fulfills the re-
12 quirements of this subsection. If a proposal does not
13 meet the requirements of subsection (b), the Admin-
14 istrator shall disapprove it. The owner or operator of
15 a unit listed in Table A may not substitute another
16 unit without the approval of the Administrator.

17 “(2) For an approved proposal, each substitute
18 unit and source shall be deemed affected under this
19 title, and the Administrator shall act on the submis-
20 sion in accordance with section 407. Any unit listed
21 in Table A for which the sulfur dioxide reduction re-
22 quirements of subsection (a) are reassigned, in
23 whole, to any other unit(s) under subsection (b), and
24 for which such reassignment or substitution has been
25 approved by the Administrator under subsection (c),

1 shall no longer be deemed an affected unit under this
2 section. The Administrator shall allocate allowances
3 for the affected units in accordance with the ap-
4 proved proposal pursuant to section 403. It shall be
5 unlawful for any source or unit that receives allow-
6 ances pursuant to this section to emit sulfur dioxide
7 in an amount in excess of the allowances allocated
8 to it. The owner or operator of any unit in violation
9 of this subsection shall be liable for fulfilling the ob-
10 ligations specified in section 410 of this title. For a
11 disapproved proposal, the Administrator shall issue
12 allowances in accordance with subsection (a).

13 “(d) EARLY CONTROL OF ELIGIBLE PHASE I UNITS.—
14 The owner or operator of an eligible Phase I unit under this
15 section may elect to have the provisions of this section
16 apply to such unit for calendar years 1995 and 1996 or any
17 parts thereof. If such election is made, then for the period
18 of time to which the election applies, notwithstanding sec-
19 tion 403(a)(1), such unit shall receive base allowances
20 equal to its baseline multiplied by such unit’s actual 1989
21 emission rate (as determined by the Administrator).

*extra allowances if
elections are
made.*

TABLE A

Affected sources and units in phase I and their sulfur dioxide allowances (tons) in phases I and II

State	Plant name	Unit	Phase I allowances	Phase II allowances
Alabama.....	Colbert.....	1	13,570	6,520
		2	15,310	7,350
		3	15,400	7,390
		4	15,410	7,400
		5	37,180	17,850
	E.C. Gaston	1	18,100	8,690
		2	18,540	8,900
		3	18,310	8,790
		4	19,280	9,250
		5	59,840	28,700
Florida.....	Big Bend.....	1	28,410	13,640
		2	27,100	13,010
		3	26,740	12,840
	Crist	6	19,200	9,220
		7	31,680	25,210
Georgia	Bowen.....	1	56,330	27,040
		2	54,770	26,290
		3	71,750	34,440
		4	71,740	34,430
	Hammond	1	8,780	4,220
		2	9,220	4,420
		3	8,910	4,280
		4	37,640	18,070
	J. McDonough	1	19,910	9,560
		2	20,600	9,890
	Wansley	1	70,770	33,970
		2	65,430	31,400
	Yates.....	1	7,210	3,460
		2	7,040	3,380
		3	6,950	3,340
		4	8,910	4,280
		5	9,410	4,520
		6	24,760	11,890
		7	21,480	10,310
Illinois.....	Baldwin	1	42,010	20,170
		2	44,420	21,320
		3	42,550	20,430
	Coffeen	1	11,790	5,660
		2	35,670	17,120
	Grand Tower	4	5,910	2,840
	Hennepin	2	18,410	8,840
	Joppa Steam	1	12,590	6,040
		2	10,770	5,170
		3	12,270	5,890
		4	11,360	5,450
		5	11,420	5,480
		6	10,620	5,100

TABLE A—Continued

Affected sources and units in phase I and their sulfur dioxide allowances (tons) in phases I and II

State	Plant name	Unit	Phase I allowances	Phase II allowances
Indiana	Kincaid	1	31,530	15,130
		2	33,810	16,230
	Meredosia	3	13,890	6,670
	Vemillion.....	2	8,880	4,260
	Bailly	7	11,180	5,370
		8	15,630	7,500
	Breed	1	18,500	8,880
	Cayuga.....	1	33,370	16,020
		2	34,130	16,380
	Clifty Creek.....	1	20,150	9,670
		2	19,810	9,510
		3	20,410	9,800
		4	20,080	9,640
		5	19,360	9,290
		6	20,380	9,780
	E.W. Stout	5	3,880	1,860
		6	4,770	2,290
		7	23,610	11,330
	F.B. Culley	2	4,290	2,060
		3	16,970	8,150
	F.E. Ratts	1	8,330	4,000
		2	8,480	4,390
	Gibson	1	40,400	19,390
		2	41,010	19,680
		3	41,180	19,720
		4	40,320	19,360
	H.T. Pritchard.....	6	5,770	2,770
	Michigan City.....	12	23,310	11,190
	Petersburg	1	16,440	7,890
		2	32,380	15,540
	R. Gallagher	1	6,490	3,120
		2	7,280	3,490
		3	6,530	3,130
		4	7,650	3,670
Iowa	Tanners Creek	4	24,820	11,920
	Wabash River	1	4,000	1,920
		2	2,860	1,370
		3	3,750	1,800
		5	3,670	1,760
		6	12,280	5,890
	Warrick.....	4	26,980	12,950
	Burlington.....	1	10,710	5,140
	Des Moines.....	7	2,320	1,110
	George Neal	1	1,300	620
	M.L. Kapp.....	2	13,800	6,620
	Prairie Creek.....	4	8,180	3,920
	Riverside.....	5	3,990	1,920

"TABLE A—Continued

Affected sources and units in phase I and their sulfur dioxide allowances (tons) in phases I and II

State	Plant name	Unit	Phase I allowances	Phase II allowances
Kansas.....	Quindaro.....	2	4,220	2,020
Kentucky.....	Coleman.....	1	11,250	5,400
		2	12,840	6,160
		3	12,350	5,930
	Cooper	1	7,450	3,570
		2	15,320	7,360
	E.W. Brown.....	1	7,110	3,410
		2	10,910	5,240
		3	26,100	12,530
	Elmer Smith	1	6,520	3,130
		2	14,410	6,920
	Ghent	1	28,410	13,640
	Green River	4	7,820	3,750
	H.L. Spurlock	1	22,780	10,940
	Henderson II.....	1	13,340	6,410
		2	12,310	5,910
	Paradise	3	59,170	28,400
	Shawnee.....	10	10,170	4,880
Maryland.....	Chalk Point.....	1	21,890	10,520
		2	24,330	11,680
	C.P. Crane	1	10,330	4,960
		2	9,230	4,430
	Morgantown	1	35,260	16,930
		2	38,480	18,470
Michigan.....	J.H. Campbell.....	1	19,280	9,250
		2	23,060	11,070
Minnesota	High Bridge.....	6	4,270	2,050
Mississippi.....	Jack Watson	4	17,910	8,600
		5	36,700	17,620
Missouri	Asbury	1	16,190	7,770
	James River	5	4,850	2,330
	Labadie	1	40,110	19,250
		2	37,710	18,100
		3	40,310	19,350
		4	35,940	17,250
	Montrose.....	1	7,390	3,550
		2	8,200	3,940
		3	10,090	4,840
	New Madrid	1	28,240	13,550
		2	32,490	15,590
	Sibley	3	15,580	7,480
	Sioux.....	1	22,570	10,840
		2	23,690	11,370
	Thomas Hill.....	1	10,250	4,920
		2	19,390	9,310
New Hampshire	Merrimack	1	10,190	4,890
		2	22,000	10,560

"TABLE A"—Continued

Affected sources and units in phase I and their sulfur dioxide allowances (tons) in
phases I and II

State	Plant name	Unit	Phase I allowances	Phase II allowances
New Jersey.....	B.L. England	1	9,060	4,350
		2	11,720	5,630
New York	Dunkirk.....	3	12,600	6,050
		4	14,060	6,750
	Greenidge	4	7,540	3,620
	Milliken	1	11,170	5,360
		2	12,410	5,960
	Northport	1	19,810	9,510
		2	24,110	11,580
		3	26,480	12,710
	Port Jefferson	3	10,470	5,030
		4	12,330	5,920
Ohio	Ashtabula.....	5	16,740	8,040
		8	11,650	5,590
	Avon Lake	9	30,480	14,630
		1	34,270	16,450
	Cardinal	2	38,320	18,400
		1	4,210	2,020
	Conesville.....	2	4,890	2,350
		3	5,500	2,640
		4	48,770	23,410
	Eastlake	1	7,800	3,750
		2	8,640	4,150
		3	10,020	4,810
		4	14,510	6,970
		5	34,070	16,350
	Edgewater.....	4	5,050	2,430
	Gen. J.M. Gavin	1	79,080	37,960
		2	80,560	38,670
	Kyger Creek	1	19,280	9,260
		2	18,560	8,910
		3	17,910	8,600
		4	18,710	8,980
		5	18,740	9,000
	Miami Fort	5	760	360
		6	11,380	5,460
		7	38,510	18,490
	Muskingum River.....	1	14,880	7,140
		2	14,170	6,800
		3	13,950	6,700
		4	11,780	5,650
		5	40,470	19,420
	Niles.....	1	6,940	3,330
		2	9,100	4,370
	Picway	5	4,930	2,370
	R.E. Burger.....	3	6,150	2,950
		4	10,780	5,170

"TABLE A—Continued

Affected sources and units in phase I and their sulfur dioxide allowances (tons) in
phases I and II

State	Plant name	Unit	Phase I allowances	Phase II allowances
Pennsylvania	W.H. Sammis	5	12,430	5,970
		5	24,170	11,600
		6	39,930	19,170
	W.C. Beckjord	7	43,220	20,750
		5	8,950	4,290
		6	23,020	11,050
	Armstrong	1	14,410	6,920
		2	15,430	7,410
		1	27,760	13,330
	Brunner Island	2	31,100	14,930
		3	53,820	25,840
		1	39,170	18,800
	Cheswick	1	59,790	28,700
		2	66,450	31,890
		1	37,830	18,160
	Conemaugh	2	37,320	17,920
		3	40,270	19,330
		1	12,660	6,080
	Martins Creek	2	12,820	6,150
		1	5,940	2,850
		2	10,240	4,910
	Shawville	1	10,320	4,960
		2	10,320	4,960
		3	14,220	6,830
	Sunbury	4	14,800	6,760
		3	8,760	4,210
		4	11,450	5,500
Tennessee	Allen	1	15,320	7,360
		2	16,770	8,050
		3	15,670	7,520
	Cumberland	1	86,700	41,620
		2	94,840	45,520
		1	17,650	8,470
	Gallatin	2	17,310	8,310
		3	20,020	9,610
		4	21,260	10,200
	Johnsonville	1	7,790	3,740
		2	8,040	3,860
		3	8,410	4,040
		4	7,990	3,830
		5	8,240	3,950
		6	7,890	3,790
West Virginia	Albright	7	8,980	4,310
		8	8,700	4,180
		9	7,080	3,400
		10	7,550	3,630
		3	12,000	5,760

"TABLE A"—Continued

Affected sources and units in phase I and their sulfur dioxide allowances (tons) in phases I and II

State	Plant name	Unit	Phase I allowances	Phase II allowances
	Fort Marin	1	41,590	19,960
		2	41,200	19,780
	Harrison	1	48,620	23,340
		2	46,150	22,150
		3	41,500	19,920
	Kammer	1	18,740	9,000
		2	19,460	9,340
		3	17,390	8,350
	Mitchell	1	43,980	21,110
		2	45,510	21,840
	Mount Storm	1	43,720	20,990
		2	35,580	17,080
		3	42,430	20,370
Wisconsin	Edgewater	4	24,750	11,880
	La Crosse/Genoa	3	19,090	9,160
	Nelson Dewey	1	6,010	2,880
		2	6,680	3,210
	N. Oak Creek	1	5,220	2,510
		2	5,140	2,470
		3	5,370	2,580
		4	6,320	3,030
	Pulliam	8	7,510	3,600
	S. Oak Creek	5	9,670	4,640
		6	12,040	5,780
		7	16,180	7,770
		8	15,790	7,580

1 "PHASE II SULFUR DIOXIDE REQUIREMENTS

2 "SEC. 405. (a) APPLICABILITY.—After January 1,
3 2000, each steam-electric existing utility unit as provided
4 below is subject to the limitations or requirements of this
5 section. Each utility unit subject to an annual sulfur diox-
6 ide tonnage emission limitation under this section is an
7 affected unit under this title. Each source that includes one
8 or more affected units is an affected source. In the case of
9 an existing utility unit that was not in operation during

1 calendar year 1985, the emission rate for a calendar year
2 after 1985, as determined by the Administrator, shall be
3 used in lieu of the 1985 rate. The owner or operator of any
4 unit in violation of this section shall be liable for fulfilling
5 the obligations specified in section 410 of this title.

6 “(b) UNITS GREATER THAN 2.50 LBS/MMBTU.—After
7 January 1, 2000, it shall be unlawful for any steam-electric
8 existing utility unit with an actual 1985 sulfur dioxide
9 emission rate greater than 2.50 lbs/mmBtu to exceed an
10 annual sulfur dioxide tonnage emission limitation equal to
11 the product of an emission rate of 1.20 lbs/mmBtu and its
12 baseline, divided by 2,000.

13 “(c) COAL- AND OIL-FIRED UNITS SMALLER THAN 75
14 MWE AND WITHIN SYSTEMS SMALLER THAN 500 MWE.—
15 After January 1, 2000, it shall be unlawful for any steam-
16 electric existing utility unit with nameplate capacity less
17 than 75 MWe and within a utility system with total name-
18 plate capacity less than 500 MWe to exceed an annual
19 sulfur dioxide emission rate limitation equal to its actual
20 1985 emission rate.

21 “(d) COAL-FIRED UNITS GREATER THAN 1.20 LBS/
22 MMBTU AND EQUAL TO OR LESS THAN 2.50 LBS/MMBTU.—
23 After January 1, 2000, it shall be unlawful for any coal-
24 fired utility unit with an actual 1985 sulfur dioxide emis-
25 sion rate greater than 1.20 lbs/mmBtu and equal to or less

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1 than 2.50 lbs/mmBtu to exceed an annual sulfur dioxide
2 tonnage emission limitation equal to one of the following
3 to be selected by the owner or operator:

4 “(1) the product of an emission rate of 1.20 lbs/
5 mmBtu multiplied by its baseline, divided by 2,000;
6 or

7 “(2) the product of an emission rate of 1.20 lbs/
8 mmBtu multiplied by its baseline plus one-half of
9 the difference between the unit’s annual fuel con-
10 sumption, on a mmBtu basis, at a 65 per centum ca-
11 pacity factor and its average annual quantity of
12 mmBtu’s consumed in fuel during calendar years
13 1985, 1986, and 1987, divided by 2,000.

14 “(e) OIL- AND GAS-FIRED UNITS GREATER THAN 1.20
15 LBS/MMBTU AND EQUAL TO OR LESS THAN 2.50 LBS/
16 MMBTU.—After January 1, 2000, it shall be unlawful for
17 any oil- or gas-fired utility unit with an actual 1985 sulfur
18 dioxide emission rate greater than 1.20 lbs/mmBtu and
19 equal to or less than 2.50 lbs/mmBtu to exceed an annual
20 sulfur dioxide tonnage emission limitation equal to one of
21 the following to be selected by the owner or operator:

22 “(1) the product of an emission rate of 1.20 lbs/
23 mmBtu multiplied by its baseline, divided by 2,000;
24 or

1 “(2) the product of an emission rate of 1.20 lbs/
2 mmBtu multiplied by its baseline plus one-half of
3 the difference between the unit’s annual fuel con-
4 sumption, on a mmBtu basis, at a 30 per centum ca-
5 pacity factor and its average annual quantity of
6 mmBtu’s consumed in fuel during calendar years
7 1985, 1986, and 1987, divided by 2,000.

8 “(f) COAL-FIRED UNITS GREATER THAN 0.6 LBS/
9 MMBTU AND EQUAL TO OR LESS THAN 1.20 LBS/MMBTU.—
10 After January 1, 2000, it shall be unlawful for any coal-
11 fired utility unit with an actual 1985 sulfur dioxide emis-
12 sion rate greater than 0.6 lbs/mmBtu and equal to or less
13 than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide
14 tonnage emission limitation equal to one of the following
15 to be selected by the owner or operator:

16 “(1) the product of the unit’s actual 1985 emis-
17 sion rate multiplied by its baseline, divided by 2,000;
18 or

19 “(2) the product of the unit’s actual 1985 emis-
20 sion rate multiplied by its baseline plus one-half of
21 the difference between the unit’s annual fuel con-
22 sumption, on a mmBtu basis, at a 65 per centum ca-
23 pacity factor and its average annual quantity of
24 mmBtu’s consumed in fuel during calendar years
25 1985, 1986, and 1987, divided by 2,000.

1 “(g) OIL- AND GAS-FIRED UNITS GREATER THAN 0.4
2 LBS/MMBTU AND EQUAL TO OR LESS THAN 1.20 LBS/
3 MMBTU.—After January 1, 2000, it shall be unlawful for
4 any oil- and gas-fired utility unit with an actual 1985
5 sulfur dioxide emission rate greater than 0.4 lbs/mmBtu
6 and equal to or less than 1.20 lbs/mmBtu to exceed an
7 annual sulfur dioxide tonnage emission limitation equal to
8 one of the following to be selected by the owner or opera-
9 tor:

10 “(1) the product of the unit’s actual 1985 emis-
11 sion rate multiplied by its baseline, divided by 2,000;
12 or

13 “(2) the product of the unit’s actual 1985 emis-
14 sion rate multiplied by its baseline plus one-half of
15 the difference between the unit’s annual fuel con-
16 sumption, on a mmBtu basis, at a 30 per centum ca-
17 pacity factor and its average annual quantity of
18 mmBtu’s consumed in fuel during calendar years
19 1985, 1986, and 1987, divided by 2,000.

20 “(h) COAL-FIRED UNITS EQUAL TO OR LESS THAN 0.6
21 LBS/MMBTU.—After January 1, 2000, it shall be unlawful
22 for any coal-fired utility unit with an actual 1985 sulfur
23 dioxide emission rate equal to or less than 0.6 lbs/mmBtu
24 to exceed an annual sulfur dioxide tonnage emission limi-

1 tation equal to one of the following to be selected by the
2 owner or operator:

3 “(1) the product of the lesser of the emission
4 rate specified in the unit’s permit or other federally
5 enforceable sulfur dioxide emission limitation or 0.6
6 lbs/mmBtu multiplied by its baseline, divided by
7 2,000; or

8 “(2) the product of the lesser of the emission
9 rate specified in the unit’s permit or other federally
10 enforceable sulfur dioxide emission limitation or 0.6
11 lbs/mmBtu multiplied by its baseline plus one-half of
12 the difference between the unit’s annual fuel con-
13 sumption, on a mmBtu basis, at a 65 per centum ca-
14 pacity factor and its average annual quantity of
15 mmBtu’s consumed in fuel during calendar years
16 1985, 1986, and 1987, divided by 2,000.

17 “(i) OIL- AND GAS-FIRED UNITS EQUAL TO OR LESS
18 THAN 0.4 LBS/MMBTU.—After January 1, 2000, it shall be
19 unlawful for any oil- and gas-fired utility unit with an
20 actual 1985 sulfur dioxide emission rate equal to or less
21 than 0.4 lbs/mmBtu that consumes annually, on a Btu
22 basis, 90 per centum or less of its fuel in the form of natu-
23 ral gas to exceed an annual sulfur dioxide tonnage emis-
24 sion limitation equal to one of the following to be selected
25 by the owner or operator:

1 “(1) the product of the lesser of the emission
2 rate specified in the unit’s permit or other federally
3 enforceable sulfur dioxide emission limitation or 0.4
4 lbs/mmBtu multiplied by its baseline, divided by
5 2,000; or

6 “(2) the product of the lesser of the emission
7 rate specified in the unit’s permit or other federally
8 enforceable sulfur dioxide emission limitation or 0.4
9 lbs/mmBtu multiplied by its baseline plus one-half of
10 the difference between the unit’s annual fuel con-
11 sumption, on a mmBtu basis, at a 30 per centum ca-
12 pacity factor and its average annual quantity of
13 mmBtu’s consumed in fuel during calendar years
14 1985, 1986, and 1987, divided by 2,000.

15 “(j) EXISTING UNITS THAT COMMENCE OPERATION
16 DURING OR AFTER 1985.—After January 1, 2000, it shall
17 be unlawful for any existing utility unit that commences
18 operation on or after January 1, 1985, to exceed an annual
19 sulfur dioxide tonnage emission limitation equal to the
20 product of the emission rate specified in the unit’s permit
21 or other federally enforceable sulfur dioxide emission limi-
22 tation multiplied by its baseline, divided by 2,000.

23 “(k) OIL AND GAS-FIRED UNITS LESS THAN 10 PER
24 CENTUM OIL CONSUMED.—After January 1, 2000, it shall
25 be unlawful for any oil and gas-fired utility unit that con-

1 sumes annually, on a Btu basis, more than 90 per centum
2 of its fuel in the form of natural gas to exceed an emission
3 rate limitation equal to its actual 1985 sulfur dioxide emis-
4 sion rate. In any year that the supply of natural gas is cur-
5 tailed to any such unit, the owner or operator may apply to
6 the Administrator for allowances equal to the difference
7 between the unit's actual 1985 emission rate multiplied by
8 its baseline and actual emissions during the year including
9 the period of curtailment. The Administrator shall issue al-
10 lowances to any qualifying source, as provided in section
11 403(a)(2), as necessary to meet the requirements of this
12 subsection.

13 “(1) COMPLIANCE WITH EMISSION REDUCTION RE-
14 QUIREMENTS AFTER DECEMBER 31, 2005.—On or before
15 July 1, 2007, and on or before July 1 of every fifth year
16 thereafter, the Administrator shall determine whether emis-
17 sions of sulfur dioxide during the previous calendar year
18 were at least 10 million tons less than the annual emissions
19 for calendar year 1980 (as indicated in the 1980 Emissions
20 Inventory of the National Acid Precipitation Assessment
21 Program). If the Administrator determines that compliance
22 with the requirements of this title has not achieved a re-
23 duction in such emissions of at least 10 million tons from
24 the 1980 annual emission level (as indicated in the 1980
25 Emissions Inventory of the National Acid Precipitation As-

1 assessment Program) during the previous calendar year, he
2 shall propose within 60 days after making such determina-
3 tion, and shall promulgate within 180 days thereafter, a
4 rule specifying an annual emission rate for sulfur dioxide
5 that would assure achievement of such 10-million-ton re-
6 duction. Any rule promulgated pursuant to the preceding
7 sentence shall assure that the rate specified in the rule shall
8 be achieved within 5 years after the Administrator pub-
9 lishes the rule in the Federal Register.

10 “NITROGEN OXIDES EMISSION REDUCTION PROGRAM

11 “SEC. 406. (a) APPLICABILITY.—After January 1,
12 2000, emissions rate requirements for nitrogen oxides shall
13 be met by coal-fired affected utility units as defined under
14 sections 404 and 405 and by coal-fired units designated to
15 be an affected unit under section 409.

16 “(b) EMISSION LIMITATIONS.—After January 1, 2000,
17 each unit described in subsection (a) shall not exceed a
18 nitrogen oxides emission rate established by the Adminis-
19 trator. The Administrator shall establish emission rates,
20 based on the application of low nitrogen oxides burner
21 technology for each type of boiler, which are designed to
22 reduce total nitrogen oxides emissions by 2,000,000 tons
23 below 1989 projected emissions for calendar year 2000.
24 Any unit subject to an emission rate requirement under this
25 section shall not be an affected unit for nitrogen oxides for
26 purposes of this title, except as provided in section 409.

1 “PERMITS AND COMPLIANCE PLANS

2 “SEC. 407. (a) PERMIT PROGRAM.—This title shall be
3 implemented by permits issued in accordance with the pro-
4 visions of this Act. Any permit issued by the Administra-
5 tor, or a State with an approved permit program, shall pro-
6 hibit each of the following:

7 “(1) annual emissions of sulfur dioxide or ni-
8 trogen oxides in excess of the total allowances held
9 by the affected unit or source,

10 “(2) exceedances of applicable sulfur dioxide or
11 nitrogen oxides emissions rates, and

12 “(3) contravention of any other provision of the
13 permit.

14 “(b) COMPLIANCE PLAN.—Each permit application
15 shall be accompanied by a compliance plan for the source
16 to comply with its requirements under this title. The com-
17 pliance plan shall provide all necessary information on the
18 schedule and means by which the source will obtain com-
19 pliance with its annual tonnage limitation, or emission rate
20 if applicable, including specification of the owner’s or op-
21 erator’s intent to acquire any additional allowances beyond
22 the initial allocation that will be used to achieve compli-
23 ance and the owner or operator’s certification that such
24 owner or operator will comply with the requirements of
25 this title in all circumstances, including, but not limited to,

1 those in which such owner or operator fails to secure any
2 such additional allowances necessary to achieve compli-
3 ance. The Administrator may also require—

4 “(1) for a source, a demonstration of attainment
5 of national ambient air quality standards, and

6 “(2) from the owner or operator of 2 or more
7 affected sources, an integrated compliance plan pro-
8 viding an overall plan for achieving compliance at
9 the affected sources.

10 The compliance plan for an eligible Phase I unit shall iden-
11 tify the quantity of base allowances retained for the oper-
12 ation of the unit.

13 “(c) FIRST PHASE PERMITS.—The Administrator shall
14 issue permits to the affected sources under section 404.

15 “(1)(A) Not later than 30 months after the date
16 of enactment of the Clean Air Act Amendments of
17 1990, the owner or operator of each affected source
18 under section 404 shall submit a permit application
19 and compliance plan for that source in accordance
20 with regulations issued by the Administrator. The
21 permit application and the compliance plan shall be
22 binding on the owner or operator, and be enforceable
23 for purposes of this Act in lieu of a permit, until a
24 permit is issued by the Administrator for the source
25 pursuant to this section and title III of this Act.

1 During pendency of the permit application and the
2 compliance plan, the owners or operators may amend
3 such applications or plans automatically provided
4 that they notify the Administrator of such amend-
5 ments.

6 “(B) In the case of a compliance plan for an af-
7 fected source under section 404 for which the owner
8 or operator proposes to meet the requirements of that
9 section by reducing utilization of the unit by 20 per
10 centum or more, as compared with the baseline pre-
11 scribed in section 402(d), or by shutting down the
12 unit, the owner or operator shall include in the com-
13 pliance plan a specification of the units that will pro-
14 vide electrical generation to compensate for the re-
15 duced output of the affected source or a demonstra-
16 tion that such reduced utilization will be accom-
17 plished through energy conservation or improved
18 unit efficiency. The source, and any unit to be used
19 for such compensating generation, if not otherwise
20 affected under section 404, shall be deemed affected
21 under section 404, subject to the Phase I require-
22 ments of this title, except that allowances shall be al-
23 located to such unit in the amount of an annual limi-
24 tation equal to the product of the unit's baseline

1 multiplied by the unit's actual 1985 emission rate,
2 divided by 2,000.

3 “(2) The Administrator shall review each pro-
4 posed compliance plan to determine whether it satis-
5 fies the requirements of this title, and shall approve
6 or disapprove such plan within 6 months after re-
7 ceipt of a complete submission.

8 “(3) Not later than 18 months after enactment
9 of the Clean Air Act Amendments of 1990, the Ad-
10 ministrator shall promulgate regulations consistent
11 with regulations required to be promulgated under
12 title III of this Act to implement a Federal permit
13 program to issue permits for affected sources under
14 this title. Following promulgation, the Administrator
15 shall issue a permit to implement the requirements of
16 section 404 and the allowances provided under sec-
17 tion 403 to the owner or operator of each affected
18 source under that section. Such a permit shall super-
19 sede any permit application and compliance plan
20 submitted under paragraph (1). The permitting au-
21 thority shall issue a permit to the affected source in
22 accordance with section 351.

23 “(d) SECOND PHASE PERMITS.—

24 “(1) To implement sections 405 and 406, each
25 State in which one or more sources subject to those

1 sections are located shall submit a permit program to
2 the Administrator for approval. The Administrator
3 shall approve any permit program meeting the re-
4 quirements of section 351.

5 “(2) The owner or operator of each affected
6 source under section 405 shall submit a permit appli-
7 cation and compliance plan for that source to the
8 permitting authority, not later than January 1, 1994.

9 “(3) Not later than July 1, 1995, each State
10 with an approved permit program pursuant to title III
11 of this Act shall issue permits to the owners or oper-
12 ators of existing affected sources under section 405
13 that satisfy the requirements of this Act. In the case
14 of a State without an approved permit program, or a
15 State that fails to issue permits to all of its existing
16 affected sources by July 1, 1995, the Administrator
17 shall, not later than July 1, 1996, issue a permit to
18 the owner or operator of each such affected source
19 that has not been issued a State permit.

20 “(4) Not later than July 1, 1996, the Adminis-
21 trator shall issue allowances to each affected source.
22 These shall be deemed a part of the permit issued
23 for that source, as provided in section 403. Allow-
24 ances shall be issued each year by the Administrator

1 to affected sources in accordance with sections 403
2 and 410.

3 “(5) The owner or operator of any unit subject
4 to the requirements of section 406 shall submit a
5 permit application for such unit to the permitting au-
6 thority, not later than January 1, 1997. The Adminis-
7 trator shall, not later than July 1, 1998, issue a
8 permit to the owner or operator of each such affect-
9 ed source that has not been issued a State permit.
10 The permitting authority shall issue a permit to the
11 owner or operator that satisfies the requirements of
12 this title, including any appropriate monitoring and
13 reporting requirements.

14 “(e) NEW UNIT PERMITS.—

15 “(1) Each State shall submit a comprehensive
16 and enforceable permit program for new units to the
17 Administrator for approval, as provided under title
18 III. The Administrator shall approve or disapprove
19 complete submittals within one year of receipt.

20 “(2) The owner or operator of each source that
21 includes a new unit or units shall submit a permit
22 application and compliance plan to the permitting
23 authority not later than 24 months prior to January 1,
24 2000, or to commencing operation of the unit,
25 whichever is later. The permitting authority shall

1 issue a permit to the owner or operator of the unit
2 that satisfies the requirements of this title.

3 “(f) AMENDMENT OF APPLICATION AND COMPLIANCE
4 PLAN.—At any time after the submission of an application
5 and compliance plan under this section, the applicant may
6 submit a revised application and compliance plan, in ac-
7 cordance with the requirements of this section.

8 “(g) PROHIBITION.—It shall be unlawful for an owner
9 or operator (1) to fail to submit a permit application or
10 compliance plan in accordance with the deadlines specified
11 in this section or otherwise to fail to comply with regula-
12 tions implementing this section, or (2) to operate any
13 source subject to this title except in compliance with the
14 terms and requirements of a permit application and com-
15 pliance plan or permit issued by the Administrator or a
16 State with an approved permit program.

17 “(h) EFFECT OF COMPLIANCE.—A capital expenditure
18 incurred by an electric utility which is made (1) in accord-
19 ance with a permit under this section, (2) for equipment
20 and facilities for controlling emissions to levels lower than
21 that required by this title, and (3) in order to generate al-
22 lowances for system use or sale through the EPA Allow-
23 ance Pool, shall be treated for all State and Federal tax and
24 utility regulatory purposes as if such capital expenditures
25 were made for purposes of complying with mandatory re-

deduction ↗

1 quirements of this title, except that nothing in this subsec-
2 tion shall preclude a regulatory agency of appropriate ju-
3 risdiction from examining the prudence of any such capital
4 expenditure.

5 "CLEAN COAL RETROFIT AND REPLACEMENT UNITS

6 "SEC. 408. (a) AVAILABILITY.—Not later than January
7 1, 1998, the owner or operator of an existing unit may
8 demonstrate to the permitting authority that one or more
9 units will be retrofitted as a clean coal unit or replaced
10 with a clean coal unit designated by the owner or operator
11 of the existing unit, for purposes of complying with the
12 requirements under section 405 or 406. The owner or oper-
13 ator shall, as part of any such demonstration, provide not
14 later than January 1, 2000, satisfactory documentation of a
15 preliminary design and engineering effort for such retrofit
16 or replacement and an executed contract for the majority
17 of the equipment for such unit and such other information
18 as the Administrator may require by regulation. If the
19 owner or operator of an existing unit proposes to retrofit or
20 replace such unit with a clean coal unit that uses a clean
21 coal technology listed under section 402(l), and such pro-
22 posed retrofit or replacement is incorporated in a compli-
23 ance plan under section 407(b) and an approved permit
24 under section 407(d), approval of such permit shall be
25 deemed to satisfy the requirements of the first sentence of
26 this subsection.

1 “(b) EXTENSION.—(1) An owner or operator satisfy-
2 ing the requirements of subsection (a) shall be granted an
3 [extension of the emission limitation] requirement compli-
4 ance date for the unit to be retrofitted or replaced from
5 January 1, 2000 to December 31, 2005. The extension
6 shall be specified in the permit issued to the source under
7 section 407, together with any compliance schedule and
8 other requirements necessary to meet second phase re-
9 quirements by the extended date: *Provided*, That any unit
10 that is granted an extension under this section shall not be
11 eligible for a waiver under section 111(j) of this Act.

12 “(2) If (A) the owner or operator of an existing unit
13 has been granted an extension under paragraph (1) in order
14 to retrofit or replace such unit with a clean coal unit, and
15 (B) such owner or operator thereafter satisfies the Admin-
16 istrator (i) that the clean coal technology to be utilized by
17 such unit is economically or technologically infeasible, (ii)
18 that by January 1, 2000, the owner or operator has demon-
19 strated to the Administrator a good faith effort to achieve
20 compliance with the requirements of subsection (a), and
21 (iii) that such existing unit will be retrofitted or replaced
22 with equipment or facilities utilizing another clean coal
23 technology or other available control technology, then such
24 extension shall be available no later than December 31,
25 2005. Subsections (c) and (d) of this section shall be inap-

1 plicable after the expiration of such extension unless the
2 existing unit is retrofitted as or replaced with a clean coal
3 unit.

4 “(c) ALLOWANCES.—(1) For the period of the exten-
5 sion under this section, the Administrator shall issue to the
6 owner or operator of the affected source, annual allow-
7 ances for sulfur dioxide equal to the affected unit’s base-
8 line multiplied by the lesser of the emission rate specified
9 in the unit’s permit or other federally enforceable sulfur
10 dioxide emission limitation or its actual emission rate for
11 1995 (as determined by the Administrator), divided by
12 2,000. Such allowances may not be transferred or used by
13 any other source to meet emission requirements under this
14 title.

15 “(2) In the case of an existing unit that is to be retro-
16 fitted as a clean coal unit, the source owner or operator
17 shall notify the Administrator 60 days in advance of the
18 date on which the affected unit for which the extension has
19 been granted is to be removed from operation to install the
20 clean coal technology. Effective on that date, the emission
21 rate for the source shall revert to 1.20 lbs/mmBtu for sulfur
22 dioxide. Allowances for the year in which the source is
23 removed from operation to install the clean coal technolo-
24 gy shall be calculated by multiplying that rate times the

1 baseline, divided by 2,000, and prorated accordingly, and
2 are transferable.

3 “(3) Allowances for calendar years after the year the
4 retrofit or replacement is complete shall be based on 1.20
5 lbs/mmBtu of sulfur dioxide multiplied by the baseline and
6 may be transferred.

7 “(d) PROHIBITION.—It shall be unlawful for the owner
8 or operator of a clean coal unit to fail to comply with the
9 requirement of this section, and any regulations to imple-
10 ment this section.

11 “ELECTION FOR ADDITIONAL SOURCES

12 “SEC. 409. (a) APPLICABILITY.—The owner or opera-
13 tor of any existing utility or other unit that is not an affect-
14 ed unit or that is subject to section 405 (c) or (h) or that is
15 a process source under subsection (e), that emits sulfur di-
16 oxide or nitrogen oxides, may elect to designate that unit,
17 or source, to become an affected unit and receive allow-
18 ances under this title. An election may be submitted to the
19 Administrator for approval anytime after promulgation of
20 regulations under subsection (g) of this section. The Ad-
21 ministrator shall approve a designation that meets the re-
22 quirements of this section and such designated unit, or
23 source, shall receive allowances for purposes of this title,
24 and be an affected unit or source.

25 “(b) ESTABLISHMENT OF BASELINE.—The baseline for
26 a unit designated under this section shall be established by

1 the Administrator by regulation, based on fuel consump-
2 tion and operating data for the unit for calendar years
3 1985, 1986, and 1987, or if such data is not available, the
4 Administrator may prescribe a baseline based on alterna-
5 tive representative data.

6 “(c) EMISSION LIMITATIONS.—Annual emission limita-
7 tions for sulfur dioxide and nitrogen oxides shall be equal
8 to the product of the baseline multiplied by the lesser of
9 the unit’s 1985 actual or allowable emission rate in lbs/
10 mmBtu, or, if the unit did not operate in 1985, the emis-
11 sion rate for a calendar year after 1985 (as determined by
12 the Administrator), divided by 2,000. After January 1,
13 2000, the emission rate for calculating an emission limita-
14 tion under this subsection shall be the rate prescribed
15 under section 405 for any unit subject to those provisions.
16 However, any such unit shall be subject only to an emis-
17 sion limitation under this section, and not also to an emis-
18 sion rate requirement under those provisions.

19 “(d) ALLOWANCES AND PERMITS.—The Administrator
20 shall issue allowances to an affected unit, or source, under
21 this section in an amount equal to the limitation calculated
22 under subsections (c) or (e), in accordance with section
23 403. Such allowances may be transferred to the owner or
24 operator of any other affected source in accordance with
25 section 403.

1 “(e) PROCESS SOURCES.—The Administrator shall es-
2 tablish a program under which the owner or operator of a
3 process source that emits sulfur dioxide or nitrogen oxides
4 may elect to designate that source to receive allowances
5 under this title for designation of process sources as affect-
6 ed sources under this section. The Administrator shall
7 define the sources that may be included (not including any
8 unit as defined under this title), specify the operating,
9 emission baseline, and other data requirements, prescribe
10 CEMS or other monitoring requirements, and promulgate
11 permit, reporting, and any other requirements necessary to
12 implement such a program.

13 “(f) LIMITATION.—Any nonutility unit or process
14 source designated under this section shall not transfer or
15 bank allowances produced as a result of reduced utilization
16 or shutdown. In no case may the Administrator permit a
17 source to receive allowances in an amount greater than the
18 emission resulting from the operation of the source in full
19 compliance with the requirements of this Act in effect
20 prior to enactment of this title.

21 “(g) IMPLEMENTATION.—The Administrator shall
22 issue regulations to implement this section not later than
23 18 months after enactment.

24 “EXCESS EMISSIONS FEE

25 “SEC. 410. (a) EXCESS EMISSIONS FEE.—The owner or
26 operator of any unit or process source subject to the re-

1 quirements of sections 403(e), 404, 405, 406, or designated
2 under section 409 that emits sulfur dioxide or nitrogen
3 oxides for any calendar year in excess of the unit's or
4 process source's emissions limitation requirement or of the
5 allowances the owner or operator possesses for the unit or
6 process source for that calendar year that are unclaimed or
7 unused by any other source shall be liable for the payment
8 of an excess emission fee. That fee shall be calculated on
9 the basis of the number of tons emitted in excess of the
10 unit's or process source's emissions limitation requirement
11 or of the allowances the operator possesses for the unit or
12 process source multiplied by \$2,000. Any such fee shall be
13 due and payable without demand to the Administrator as
14 provided in regulations issued by the Administrator. Any
15 such funds shall be deposited in the United States Treasury
16 pursuant to the Miscellaneous Receipts Act. Any fee due
17 and payable under this section shall not diminish any fine,
18 penalty or fee imposed on the same source under any other
19 section of this Act.

20 “(b) EXCESS EMISSIONS OFFSET.—The owner or oper-
21 ator of any affected source liable for payment of a fee
22 under subsection (a) is also liable to offset the excess
23 emissions by an equal tonnage amount in the following
24 calendar year, or such longer period as the Administrator
25 may prescribe. The owner or operator of the source shall,

1 within sixty days after the end of the year, submit to the
2 Administrator, and the State, a plan to achieve the required
3 offsets. The Administrator shall also deduct allowances
4 equal to the excess tonnage from those issued for the
5 source for the calendar year, or succeeding years, follow-
6 ing the year in which the excess emissions occurred.

7 “(c) FEE ADJUSTMENT.—The Administrator shall, by
8 regulation, adjust the fee specified in subsection (a) for
9 inflation, based on the Consumer Price Index, on the date
10 of enactment and annually thereafter.

11 “(d) PROHIBITION.—It shall be unlawful for the owner
12 or operator of any source liable for a fee and offset under
13 this section to fail to pay the fee under subsection (a) or to
14 provide, and thereafter comply with, a compliance plan as
15 required by subsection (b), or offset excess emissions as
16 required by subsection (b).

17 “MONITORING, REPORTING, AND RECORDKEEPING
18 REQUIREMENTS

19 “SEC. 411. (a) APPLICABILITY.—All sources subject to
20 this title shall be required to install and operate continuous
21 emissions monitors and quality assure the data for sulfur
22 dioxide, nitrogen oxides, opacity and volumetric flow for
23 each unit subject to this title. The Administrator shall, by
24 regulations issued not later than eighteen months after en-
25 actment of the Clean Air Act Amendments of 1990, speci-
26 fy the requirements for continuous emissions monitors, for

1 alternative methods that provide information with the same
2 precision, reliability, accessibility, and timeliness as that
3 provided by continuous emissions monitors, and for rec-
4 ordkeeping and reporting of information from such sys-
5 tems.

6 “(b) FIRST PHASE REQUIREMENTS.—Not later than
7 thirty-six months after enactment of the Clean Air Act
8 Amendments of 1990, the owner or operator of each af-
9 fected unit under section 404 shall install and operate con-
10 tinuous emissions monitors, quality assure the data, and
11 keep records and reports in accordance with regulations
12 issued under subsection (a).

13 “(c) SECOND PHASE REQUIREMENTS.—Not later than
14 January 1, 1995, the owner or operator of each source sub-
15 ject to this title that has not previously met the require-
16 ments of subsection (a) shall comply with those require-
17 ments.

18 “(d) UNAVAILABILITY OF CONTINUING EMISSION MONI-
19 TORING SYSTEM.—If continuous emissions monitors data is
20 not available for any affected unit during any period of a
21 calendar year in which such data is required under this
22 title, and the owner or operator cannot provide informa-
23 tion, satisfactory to the Administrator, on emissions during
24 that period, the Administrator shall deem the unit to be
25 operating in an uncontrolled manner and, by regulation,

1 prescribe means to calculate emissions for that period. The
2 owner or operator shall be liable for excess emissions fees
3 and offsets under section 410 in accordance with such reg-
4 ulations which shall be issued not later than eighteen
5 months after enactment of the Clean Air Act Amendments
6 of 1990.

7 “(e) PROHIBITION.—It shall be unlawful for the owner
8 or operator of any source subject to this title to operate a
9 source without complying with the requirements of this
10 section, and any regulations implementing this section.

11 “GENERAL COMPLIANCE WITH OTHER PROVISIONS.

12 “SEC. 412. Except as expressly provided, compliance
13 with the requirements of this title shall not exempt or ex-
14 clude the owner or operator of any source subject to this
15 title from compliance with any other applicable require-
16 ments of this Act.

17 “ENFORCEMENT

18 “SEC. 413. A violation by the owner or operator of a
19 source subject to this title of the prohibitions of, require-
20 ments of, or regulations promulgated pursuant to this title
21 shall be a violation of this Act. Operation of an affected
22 source to emit sulfur dioxide or nitrogen oxides in excess
23 of its allowances shall be deemed a violation, with each
24 ton emitted in excess of allowances held constituting a
25 separate violation.

1 “REVISED REGULATIONS FOR CLEAN COAL TECHNOLOGY
2 DEMONSTRATIONS

3 “SEC. 414. (a) REGULATIONS.—The Administrator
4 shall promulgate interim regulations under this subsection
5 to take effect not later than 60 days after the date of enact-
6 ment of this section to revise requirements under section
7 111 and parts C and D of this Act, as appropriate, to facili-
8 tate temporary and permanent clean coal technology dem-
9 onstration projects, consistent with the attainment and
10 maintenance of national ambient air quality standards and
11 prevention of significant deterioration as provided in sub-
12 sections (b) and (c). Such regulations shall address physi-
13 cal or operational changes to existing facilities for the sole
14 purpose of installation, operation, cessation, or removal of
15 a clean coal technology demonstration project. For the pur-
16 poses of this section, a clean coal technology demonstra-
17 tion project shall mean a project conducted under title II,
18 section 101(d) of the Further Continuing Appropriations
19 Act of 1985 (section 5903d of title 42 of the United States
20 Code), or subsequent appropriations, up to a total amount
21 of \$2.5 billion for commercial demonstration of clean coal
22 technology, or similar projects funded through appropria-
23 tions for the Environmental Protection Agency. The Feder-
24 al contribution for a qualifying project shall be at least 20
25 per centum of the total cost of the demonstration project.

1 “(b) TEMPORARY PROJECTS.—Installation, operation,
2 cessation, or removal of a temporary clean coal technology
3 demonstration project that is operated for a period of 5
4 years or less, and which complies with all State implemen-
5 tation plans and other requirements necessary to attain and
6 maintain the national ambient air quality standard during
7 and after the project is terminated, shall not subject such
8 facility to the requirements of section 111 or parts C or D
9 of this Act.

10 “(c) PERMANENT PROJECTS.—(1) For permanent clean
11 coal technology demonstration projects, any qualifying
12 project shall not be subject to standards of performance
13 under section 111.

14 “(2) Any permanent demonstration project that com-
15 plies with all State implementation plans and other require-
16 ments necessary to attain and maintain the national air
17 quality standards shall not be subject to the requirements
18 of parts C or D of this Act: *Provided*, That the project will
19 not result in an increase, relative to its predemonstration
20 levels, as measured by its potential to emit, expressed as
21 mass per unit of time, of any pollutant regulated under this eez?
22 Act.

23 “(d) PREEXISTING REQUIREMENTS.—Any clean coal
24 technology demonstration project shall be subject to its
25 preexisting obligations under this Act until such time as it

1 qualifies under regulations implementing this section for
2 alternate requirements.”.

3 REPEAL OF PERCENT REDUCTION

4 SEC. 402. (a) REPEAL.—Section 111(a)(1) of the Clean
5 Air Act is amended to read as follows:

6 “(1) The term ‘standard of performance’ means
7 a standard for emissions of air pollutants which re-
8 flects the degree of emission limitation achievable
9 through the application of the best system of emis-
10 sion reduction which (taking into account the cost of
11 achieving such reduction and any nonair quality
12 health and environmental impact and energy require-
13 ments) the Administrator determines has been ade-
14 quately demonstrated.”.

15 (b) REVISED REGULATIONS.—Not later than three years
16 after the date of enactment of the Clean Air Act Amend-
17 ments of 1990, the Administrator shall promulgate revised
18 regulations for standards of performance for new fossil
19 fuel fired stationary sources commencing construction
20 after the date on which such regulations are proposed that,
21 at a minimum, require any source subject to such revised
22 standards to emit any pollutants for which a standard has
23 been promulgated pursuant to section 109 at a rate not
24 greater than would have resulted from compliance by such
25 source with the applicable standards of performance under
26 this section prior to such revision.

1 (c) APPLICABILITY.—The provisions of subsections (a)
2 and (b) apply only so long as the provisions of section
3 403(e) of the Clean Air Act remain in effect.

4 (d) BACT DETERMINATIONS.—Section 169(3) of the
5 Clean Air Act is amended by inserting: “, clean fuels,”
6 after “including fuel cleaning,”.

7 FEDERAL FACILITIES

8 SEC. 403. (a) FEDERALLY OWNED FACILITIES.—

9 (1) CONSERVATION.—Not later than September
10 30, 1995, each Federal facility in the service territory
11 of a utility operating an affected source, as defined
12 in section 402 of the Clean Air Act, shall install, in
13 federally owned facilities, all electric energy conser-
14 vation improvements that are cost-effective based on
15 a life-cycle cost analysis. Cost analyses performed
16 must recognize all environmental costs and benefits
17 arising from the systems being compared.

18 (2) RENEWABLE AND ALTERNATIVE CLEAN ENERGY
19 TECHNOLOGY.—Not later than January 1, 1995, each
20 Federal agency with facilities in the service territory
21 of a utility operating an affected source shall utilize
22 renewable and alternative clean energy technologies
23 to satisfy at least 10 per centum of the total electric
24 needs of the agency's facilities in the affected area.
25 Renewable and clean energy technologies that satisfy

1 the purpose of this requirement shall have maximum
2 emissions rates as follows:

Pollutant	Maximum Emission Rate
SO ₂	0.1 pounds per gigawatt hour.
NO _x	135.0 pounds per gigawatt hour.

3 (3) After January 1, 1995, no Federal agency
4 shall spend funds for the construction or acquisition
5 of a building in any location unless that agency has
6 complied with the requirements of sections (a)(1)
7 and (a)(2).

8 (b) FEDERALLY LEASED FACILITIES.—After January 1,
9 1992, no Federal agency shall enter into or renew a lease
10 for space exceeding thirty-five thousand square feet in new
11 or renovated buildings where the federally leased space ex-
12 ceeds 70 per centum of the buildings leasable space, which
13 is in the service territory of a utility operating an affected
14 source, unless that building has installed all electric energy
15 conservation improvements that are cost effective, based
16 on life cycle cost analysis which includes all environmen-
17 tal costs and benefits.

18 (c) GUIDANCE.—The Administrator of the Environ-
19 mental Protection Agency shall provide guidance on the
20 implementation of this section, and by January 1991, shall
21 issue a methodology and guidelines for conduct of the life-
22 cycle cost analysis required by sections (a) and (b). Addi-
23 tionally the Administrator will conduct an analysis of af-
24 fected Federal facilities, particularly those that utilize less

1 than one thousand megawatt hours per year or that are
2 government research or experimentation facilities, and
3 issue a finding of practically limiting the extent of applica-
4 bility of sections (a) and (b). A determination of practicali-
5 ty will consider the size of the facility, the amount of elec-
6 trical power consumed, the diversity of electric power
7 usage at the facility, and the feasibility of making the re-
8 quired changes.

*/ * Secretary
Campen*

9 (d) REPORT.—Each affected Federal agency shall
10 submit by January 1, 1992 a report, to the Administrator of
11 the Environmental Protection Agency and to the Congress,
12 detailing its implementation of the requirements of sec-
13 tions (a) and (b).

14 (e) DOD—EPA COOPERATION.—Recognizing that the
15 Department of Defense owns and operates and will contin-
16 ue to establish many unique facilities in affected areas, to
17 the extent feasible the Administrator of the Environmental
18 Protection Agency and the Secretary of Defense shall co-
19 operate in meeting the requirements of this section.

20 ACID DEPOSITION STANDARDS

21 SEC. 404. Not later than thirty-six months after the
22 date of enactment of this Act, the Administrator of the En-
23 vironmental Protection Agency shall transmit to the Com-
24 mittee on Environment and Public Works of the Senate
25 and the Committee on Energy and Commerce of the House
26 of Representatives a report on the feasibility and effective-

1 ness of an acid deposition standard or standards to protect
2 sensitive and critically sensitive aquatic and terrestrial re-
3 sources. The study required by this section shall include,
4 but not be limited to, consideration of the following mat-
5 ters:

6 (a) identification of the sensitive and critically
7 sensitive aquatic and terrestrial resources in the
8 United States and Canada which may be affected by
9 the deposition of acidic compounds;

10 (b) description of the nature and numerical
11 value of a deposition standard or standards that
12 would be sufficient to protect such resources;

13 (c) description of the use of such standard or
14 standards in other Nations or by any of the several
15 States in acid deposition control programs;

16 (d) description of the measures that would need
17 to be taken to integrate such standard or standards
18 with the control program required by title IV of the
19 Clean Air Act;

20 (e) description of the state of knowledge with
21 respect to source-receptor relationships necessary to
22 develop a control program on such standard or
23 standards and the additional research that is on-going
24 or would be needed to make such a control program
25 feasible; and

1 (f) description of the impediments to implemen-
2 tation of such control program and the cost-effective-
3 ness of deposition standards compared to other con-
4 trol strategies including ambient air quality stand-
5 ards, new source performance standards and the re-
6 quirements of title IV of the Clean Air Act.

7 NATIONAL ACID LAKES REGISTRY

8 SEC. 405. The Administrator of the Environmental
9 Protection Agency shall create a National Acid Lakes Reg-
10 istry that shall list, to the extent practical, all lakes that are
11 known to be acidified due to acid deposition, and shall
12 publish such list within one year of the enactment of this
13 Act. Lakes shall be added to the registry as they become
14 acidic or as data become available to show they are acidic.
15 Lakes shall be deleted from the registry as they become
16 nonacidic.

17 INDUSTRIAL SO₂ EMISSIONS

18 SEC. 406. (a) Not later than January 1, 1995, the Ad-
19 ministrator of the Environmental Protection Agency shall
20 transmit to the Congress an inventory of sulfur dioxide
21 emissions from industrial sources along with a report indi-
22 cating likely trends in such emissions over the following
23 twenty-year period. The Administrator shall update such
24 inventory every five years.

25 (b) Whenever the inventory required by this section
26 indicates that sulfur dioxide emissions from industrial

1 sources may reasonably be expected to reach levels greater
2 than one million five hundred thousand tons less than such
3 emissions in 1980, the Administrator of the Environmental
4 Protection Agency shall take such actions under the Clean
5 Air Act as may be appropriate, including the promulgation
6 of standards for existing sources of such emissions under
7 section 111(d), to assure that sulfur dioxide emissions from
8 industrial sources do not exceed such levels.

9 SENSE OF THE CONGRESS ON EMISSION REDUCTIONS COSTS

10 SEC. 407. It is the sense of the Congress that the
11 Clean Air Act Amendments of 1990, through the allow-
12 ance program, allocates the costs of achieving the required
13 reductions in emissions of sulfur dioxide and oxides of ni-
14 trogen among sources in the United States. Broad based
15 taxes and emissions fees that would provide for payment
16 of the costs of achieving required emissions reductions by
17 any party or parties other than the sources required to
18 achieve the reductions are undesirable.

19 CONTINUATION OF THE NATIONAL ACID PRECIPITATION

20 ASSESSMENT PROGRAM

21 SEC. 408. (a) The National Acid Precipitation Assess-
22 ment Program created by Public Law 96-294 shall be con-
23 tinued pursuant to this section. The Chairman of the Joint
24 Chairs of the National Acid Precipitation Task Force shall
25 be the Administrator of the Environmental Protection
26 Agency.

1 (b) The Task Force shall sponsor monitoring and re-
2 search in the federal agencies and in the scientific commu-
3 nity that is necessary to understand the effects of the emis-
4 sions control program created by this title. The Task Force
5 shall undertake cost-benefit analyses of the effects of the
6 emissions control program created by this title.

7 (c) The Task Force shall provide for the collection of
8 information regarding—

9 (1) natural and anthropogenic emissions of the
10 precursors of acid deposition;

11 (2) actual levels of all types of acid deposition;

12 (3) the status of ecosystems (including forests
13 and terrestrial waters), materials, and visibility af-
14 fected by acid deposition; and

15 (4) the costs and benefits of the control program
16 created by this title.

17 The Task Force shall assure that this data is interpreted in
18 such a way as to allow interested persons to determine as
19 accurately as possible the total effects of the emissions
20 control program created by this title.

21 (d) The Task Force shall provide for the maintenance
22 and updating of models that describe the interaction of
23 emissions with the atmosphere such as the Regional Acid
24 Deposition Model, and models that describe the response
25 of ecosystems to acid deposition.

1 (e) The Task Force shall make a unified budget rec-
2 ommendation. Every two years beginning in 1992, the
3 Task Force shall submit a report to the President and the
4 Congress describing the results of its investigations and
5 analysis of the effects of the emissions control program
6 contained in this title.

7 (f) There are authorized to be appropriated the
8 amount of \$10,000,000 per year to carry out the purposes
9 of this section, to remain available until expended.

PROPOSED CLASS OF '85 FIX

22 FEB 90

EMISSIONS RATE

x

FUEL CONSUMPTION BASELINE

Units Above 2.5 lb/mmBtu

1.2 lb/mmBtu

1985-87

Coal-Fired Units Above 1.2 lb/mmBtu and At or Below 2.5 lb/mmBtu

1.2 lb/mmBtu

1985-87

or

1.2 lb/mmBtu

1985-87 + [.5 x (65% - 1985-87)]

Oil-Fired Units Above 1.2 lb/mmBtu and At or Below 2.5 lb/mmBtu

1.2 lb/mmBtu

1985-87

or

1.2 lb/mmBtu

1985-87 + [.5 x (35% - 1985-87)]

Coal-Fired Units Above 0.6 lb/mmBtu and At or Below 1.2 lb/mmBtu

1985

1985-87

or

1985

1985-87 + [.5 x (65% - 1985-87)]

Oil-Fired Units Above 0.4 lb/mmBtu and At or Below 1.2 lb/mmBtu

1985

1985-87

or

1985

1985-87 + [.5 x (35% - 1985-87)]

Coal-Fired Units At or Below 0.6 lb/mmBtu

lesser of SIP

1985-87

or 0.6 lb/mmBtu

or

lesser of SIP

1985-87 + [.5 x (65% - 1985-87)]

or 0.6 lb/mmBtu

Oil-Fired Units At or Below 0.4 lb/mmBtu

lesser of SIP

1985-87

or 0.4 lb/mmBtu

or

lesser of SIP

1985-87 + [.5 x (35% - 1985-87)]

or 0.4 lb/mmBtu

Post-1985 Units

(including permitted and under construction as of 7/27/89)

SIP

average annual fuel consumption,
between start of operation and 12/31/89

or

SIP

65%

Units Smaller than 75 mw and within Systems Smaller than 250 mw

1985

(no baseline)

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U.S. Waste Woes Are Not Widely Shared

TUCSON, Arizona—The malaise affecting the high-level waste disposal program in the U.S. has not affected programs in Canada and West Germany, speakers from those countries told the University of Arizona's Waste Management 1990 conference here on Monday.

The need to store Canada's high-level waste safely has taken on new significance since the government announced its plans to build 25 new nuclear plants in the next century, said David Torgerson of Atomic Energy of Canada Ltd. Canada's repository, called a "waste vault," should begin accepting spent fuel in 2015 or 2020, he said.

Unlike the effort in the U.S., which has focused largely on finding a suitable site for a deep geologic repository, Canada has focused on generic research and on identifying the geologic medium most suited for waste—stable granite. The facility will most likely be sited some-

where in Ontario, because that area is the biggest generator of waste, Torgerson said.

Canadian researchers have "no mandate for site-specific studies," Torgerson said. Instead, the focus is on developing methods to site, design, build and operate the vault.

While the generic approach may have spared Canada much of the gut-wrenching agony the U.S. program has suffered, that condition may soon change: in May or June, Canada will begin public scoping hearings on the Environmental Impact Statement for the repository. Full hearings on the EIS will begin in 1992. An additional 10 years will be needed

to select and gain approval of a specific site. Construction will take 20 years, he said.

West Germany's approach to waste storage and disposal is a multi-pronged effort that includes soon-to-be-completed reprocessing agreements with France's Cogema and Britain's British Nuclear Fuels, says Manfred Bloser, who heads the waste disposal section of that country's Ministry of Environment, Nature Conservation and Reactor Safety.

Germany hopes to finalize its "declaration of intent" with Cogema soon, and negotiations are now going on between German utilities and BNFL, Bloser said. Both bilateral agreements will cover reprocessing, including the development of safety standards, fuel manufacture, uranium enrichment, and exchange of inspectors at nuclear installations, he added.

Because more than half of Germany's projected high-level waste will be by-products of reprocessing, a repository will still be needed, Bloser said.

BY DANIALLE WEAVER

CLEAN AIR DEAL ELUDES LAWMAKERS

BY KENNEDY MAIZE

Clean air legislation continues to be in a congressional limbo, as contending forces face apparent stalemate in both the House and Senate. According to industry sources, compromise on the massive and costly Senate package, S. 1630, continues to elude Majority Leader George Mitchell (D-Me.) and the Bush administration.

Neither Mitchell nor Republican Leader Robert Dole (R-Kan.) can come up with enough votes to close off debate on the Senate floor. That means that Mitchell is unlikely to bring any measures to the floor for debate, despite his continued assertion that debate will begin this week. "It doesn't look even remotely possible at this point," said one energy industry official.

In the House, the sticking point continues to be resolution of the difficult and divisive cost-sharing issue. According to his staff, Rep. Philip Sharp (D-Ind.) is now attempting to come up with a package of amendments to the House measure, H.R. 3030, of which, says a staffer, cost-sharing is only one of many issues.

Sharp stepped into the bill-writing breach after an earlier series of drafting and discussion sessions led by David

Finnegan, a staffer for Energy and Commerce Committee chairman John Dingell (D-Mich.), tailed off into inaction. "It just sort of quietly expired," said a staffer for a leading committee Democrat.

Sharp and his staff hope to have their package out for review this week, with a mark-up in Sharp's energy and power subcommittee to follow as soon as possible. But it seems unlikely to come off this week, as members will need time to review the Sharp package. Also, the full committee is going through a reorganization this week, which could also impinge on the mark-up schedule.

As Sharp attempts the difficult task of writing a cost sharing mechanism that can appeal to a majority of his subcommittee, industrial lobbying continues on the subject. Last week, Jerald Halvorsen, president of the Interstate Natural Gas Association of America, clarified his group's position on the issue. In a letter to Sharp, Halvorsen wrote: "Our position on cost-sharing is clear: INGAA opposes and will continue to oppose any proposal that imposes a tax on the use of natural gas to fund SO₂ reductions or that would discourage the use of natural gas as an emission control option."