

116TH CONGRESS
1ST SESSION

S. 2104

To amend the Clean Air Act to exclude energy efficiency projects, pollution control projects, and reliability projects from the definition of a modification.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

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

A BILL

To amend the Clean Air Act to exclude energy efficiency projects, pollution control projects, and reliability projects from the definition of a modification.

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. EXCLUSION OF ENERGY EFFICIENCY**
4 **PROJECTS, POLLUTION CONTROL PROJECTS,**
5 **AND RELIABILITY PROJECTS FROM THE DEF-**
6 **INITION OF A MODIFICATION.**

7 Section 111(a)(4) of the Clean Air Act (42 U.S.C.
8 7411(a)(4)) is amended—

9 (1) by striking “(4) The term ‘modification’
10 means” and inserting the following:

1 “(4) MODIFICATION.—

2 “(A) IN GENERAL.—The term ‘modifica-
3 tion’ means”; and

4 (2) by adding at the end the following:

5 “(B) EXCLUSION.—The term ‘modifica-
6 tion’ does not include any energy efficiency
7 project, pollution control project, or reliability
8 project.

9 “(C) ASSOCIATED DEFINITIONS.—For pur-
10 poses of subparagraph (B):

11 “(i) ENERGY EFFICIENCY PROJECT.—
12 The term ‘energy efficiency project’ means
13 any project or activity undertaken at a sta-
14 tionary source (including any physical
15 change in, or change in the method of op-
16 eration of, the stationary source) or any
17 group of projects, activities, or changes un-
18 dertaken during the same outage period—

19 “(I) as a result of which the
20 maximum hourly carbon dioxide emis-
21 sions rate of the stationary source is
22 lower than that rate was immediately
23 before the project or activity, or the
24 group of projects, activities, or
25 changes, was undertaken; and

1 “(II) after which the maximum
2 hourly emission rate for any other
3 regulated pollutant is not more than
4 either the facility-wide or unit-specific
5 permitted emission rate.

6 “(ii) POLLUTION CONTROL
7 PROJECT.—The term ‘pollution control
8 project’ means any project or activity un-
9 dertaken at a stationary source (including
10 any physical change in, or change in the
11 method of operation of, the stationary
12 source) or any group of projects, activities,
13 or changes undertaken during the same
14 outage period, that is undertaken to reduce
15 the emission of any pollutant.

16 “(iii) RELIABILITY PROJECT.—The
17 term ‘reliability project’ means any project
18 or activity undertaken at a stationary
19 source (including any physical change in,
20 or change in the method of operation of,
21 the stationary source) or any group of
22 projects, activities, or changes undertaken
23 during the same outage period, that im-
24 proves the ability of the electric system—

1 “(I) to supply the aggregate elec-
2 tric power and energy requirements of
3 electricity consumers at all times, tak-
4 ing into account scheduled and rea-
5 sonably expected unscheduled outages
6 of system components; and

7 “(II) to withstand sudden dis-
8 turbances, such as electric short cir-
9 cuits, the unanticipated loss of system
10 components, or disturbances caused
11 by manmade physical or cyber at-
12 tacks.”.

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