

115TH CONGRESS
1ST SESSION

H. R. 3127

To amend section 111 of the Clean Air Act to exclude energy efficiency projects, pollution control projects, and reliability projects from the definition of a modification.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. GRIFFITH (for himself, Mr. MCKINLEY, and Mr. JENKINS of West Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 111 of 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) of the Clean Air Act (42 U.S.C.
8 7411(a)) is amended—

9 (1) in paragraph (4)—

1 (A) by striking “The term ‘modification’
2 means” and inserting the following: “The term
3 ‘modification’—

4 “(A) means”;

5 (B) by striking the period at the end of the
6 paragraph and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(B) excludes any energy efficiency
9 project, pollution control project, or reliability
10 project.”; and

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

12 “(9) For purposes of paragraph (4)(B):

13 “(A) The term ‘energy efficiency project’
14 means any project or activity undertaken at a
15 stationary source (including any physical
16 change in, or change in the method of operation
17 of, such source) or any group of projects, activi-
18 ties, or changes undertaken during the same
19 outage period—

20 “(i) as a result of which the maximum
21 hourly carbon dioxide emissions rate of the
22 source is lower than it was immediately be-
23 fore such project or activity, or such group
24 of projects, activities, or changes, was un-
25 dertaken; and

1 “(ii) after which the maximum hourly
2 emission rate for any other regulated pol-
3 lutant is no more than either the facility-
4 wide or unit-specific permitted emission
5 rate.

6 “(B) The term ‘pollution control project’
7 means any project or activity undertaken at a
8 stationary source (including any physical
9 change in, or change in the method of operation
10 of, such source) or any group of projects, activi-
11 ties, or changes undertaken during the same
12 outage period, that is undertaken to reduce the
13 emission of any pollutant.

14 “(C) The term ‘reliability project’ means
15 any project or activity undertaken at a sta-
16 tionary source (including any physical change
17 in, or change in the method of operation of,
18 such source) or any group of projects, activities,
19 or changes undertaken during the same outage
20 period, that improves the ability of the electric
21 system—

22 “(i) to supply the aggregate electric
23 power and energy requirements of the elec-
24 tricity consumers at all times, taking into
25 account scheduled and reasonably expected

1 unscheduled outages of system compo-
2 nents; and

3 “(ii) to withstand sudden disturbances
4 such as electric short circuits, the unantici-
5 pated loss of system components, or dis-
6 turbances caused by manmade physical or
7 cyber attacks.”.

○