

113TH CONGRESS  
1ST SESSION

# H. R. 2127

To prohibit the Administrator of the Environmental Protection Agency from finalizing any rule imposing any standard of performance for carbon dioxide emissions from any existing or new source that is a fossil fuel-fired electric utility generating unit unless and until carbon capture and storage is found to be technologically and economically feasible.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2013

Mr. MCKINLEY (for himself, Mr. RAHALL, Mrs. CAPITO, Mr. JOHNSON of Ohio, Mr. OLSON, Mr. LATTA, Mr. GRIFFITH of Virginia, and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit the Administrator of the Environmental Protection Agency from finalizing any rule imposing any standard of performance for carbon dioxide emissions from any existing or new source that is a fossil fuel-fired electric utility generating unit unless and until carbon capture and storage is found to be technologically and economically feasible.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. NO FINALIZATION OF ANY STANDARD OF PER-**  
2 **FORMANCE FOR CARBON DIOXIDE EMIS-**  
3 **SIONS FROM ANY EXISTING OR NEW FOSSIL**  
4 **FUEL-FIRED ELECTRIC UTILITY GENERATING**  
5 **UNIT UNLESS CARBON CAPTURE AND STOR-**  
6 **AGE IS TECHNOLOGICALLY AND ECONOMI-**  
7 **CALLY FEASIBLE.**

8 (a) IN GENERAL.—The Administrator of the Envi-  
9 ronmental Protection Agency shall not finalize any rule  
10 imposing any standard of performance under section 111  
11 of the Clean Air Act (42 U.S.C. 7411) for emissions of  
12 carbon dioxide from any existing or new source that is  
13 a fossil fuel-fired electric utility generating unit unless and  
14 until—

15 (1) the Administrator determines in accordance  
16 with such section 111 that carbon capture and stor-  
17 age is the best system of emission reduction which  
18 (taking into account the cost of achieving such re-  
19 duction and any nonair health and environmental  
20 impact and energy requirements) the Administrator  
21 determines has been adequately demonstrated; and

22 (2) carbon capture and storage is found to be  
23 technologically and economically feasible for fossil  
24 fuel-fired electric utility generating units in a report  
25 that is published in the Federal Register, and sub-

1       mitted to the Congress, by at least three of the fol-  
2       lowing four officials:

3               (A) The Administrator of the Energy In-  
4               formation Administration.

5               (B) The Comptroller General of the United  
6               States.

7               (C) The Director of the National Energy  
8               Technology Laboratory.

9               (D) The Under Secretary of Commerce for  
10              Standards and Technology.

11       (b) PROHIBITION AGAINST COMBINED SOURCE CAT-  
12       EGORY.—In proposing or finalizing any rule imposing any  
13       standard of performance under section 111 of the Clean  
14       Air Act (42 U.S.C. 7411) for emissions of carbon dioxide  
15       from any existing or new source that is a fossil fuel-fired  
16       electric utility generating unit, the Administrator of the  
17       Environmental Protection Agency shall not combine in the  
18       same category of stationary sources—

19              (1) electric utility steam generating units sub-  
20              ject to subpart Da of part 60, title 40, Code of Fed-  
21              eral Regulations (as in effect on the date of the en-  
22              actment of this Act); and

23              (2) combined cycle electric generating units  
24              subject to subpart KKKK of such part (as in effect  
25              on such date).

1 (c) DEFINITIONS.—In this section:

2 (1) The term “economically feasible” means the  
3 present discounted value of the revenue from the  
4 projected sale of electricity from a generating unit in  
5 a competitive market over the life of a unit that em-  
6 ploys carbon capture and storage exceeds the  
7 present discounted value of the cost of the unit, in-  
8 cluding costs associated with any energy required to  
9 capture, compress, transport, and store carbon diox-  
10 ide.

11 (2) The terms “existing source” and “new  
12 source” have the meanings given such term in sec-  
13 tion 111(a) of the Clean Air Act (42 U.S.C.  
14 7411(a)).

15 (3) The term “technologically feasible” refers to  
16 the demonstrated operation of carbon capture and  
17 storage technologies integrated with power produc-  
18 tion at an appropriate scale to ensure safe and reli-  
19 able production of electricity with capture and stor-  
20 age on a widespread geographic basis.

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