

110TH CONGRESS  
2D SESSION

# H. R. 5575

To require new coal-fired electric generating units to use state-of-the-art control technology to capture and permanently sequester carbon dioxide emissions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2008

Mr. WAXMAN (for himself and Mr. MARKEY) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To require new coal-fired electric generating units to use state-of-the-art control technology to capture and permanently sequester carbon dioxide emissions, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Moratorium on Uncon-  
5 trolled Power Plants Act of 2008.”

6 **SEC. 2. MORATORIUM.**

7 (a) **CO<sub>2</sub> SEQUESTRATION REQUIRED.**—Effective  
8 upon the date of enactment of this Act, no permitting au-

1 thority shall issue a permit for a proposed new coal-fired  
2 electric generating unit under the Clean Air Act, unless  
3 the permit requires the unit to use state-of-the-art control  
4 technology to capture and permanently sequester carbon  
5 dioxide emissions from such unit.

6 (b) DURATION OF MORATORIUM.—This moratorium  
7 shall apply until such time as a comprehensive program  
8 to reduce emissions of greenhouse gases is in effect.

9 **SEC. 3. GREENHOUSE GAS EMISSION ALLOWANCES.**

10 (a) ALLOWANCES.—No new coal-fired electric gener-  
11 ating unit that—

12 (1) commences construction after the date of  
13 introduction of this Act; and

14 (2) does not install and operate state-of-the-art  
15 control technology to control carbon dioxide emis-  
16 sions from such unit;

17 shall receive greenhouse gas emission allowances free of  
18 charge or at any price less than the market price under  
19 any future program to address global warming adopted  
20 by Congress or the Environmental Protection Agency.

21 (b) OTHER SOURCES.—Nothing shall be implied from  
22 this section with respect to the potential allocation of al-  
23 lowances to any source not barred from receiving allow-  
24 ances by the previous sentence.

1 **SEC. 4. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of the Environ-  
5 mental Protection Agency.

6 (2) COAL-FIRED ELECTRIC GENERATING  
7 UNIT.—The term “Coal-fired electric generating  
8 unit” means an electric utility unit that uses coal,  
9 petroleum coke, coal refuse, or a synthetic gas de-  
10 rived from coal either exclusively, in any combination  
11 together, or in any combination with other fuels in  
12 any amount.

13 (3) COMPREHENSIVE PROGRAM.—The term  
14 “Comprehensive program” means a program adopt-  
15 ed by Congress or the Environmental Protection  
16 Agency that requires immediate and significant re-  
17 ductions in greenhouse gas emissions across the U.S.  
18 economy and increases the reductions over time to  
19 reduce U.S. greenhouse gas emissions to 80 percent  
20 below 1990 levels by 2050.

21 (4) GREENHOUSE GAS.—The term “greenhouse  
22 gas” means—

23 (A) carbon dioxide;

24 (B) methane;

25 (C) nitrous oxide;

26 (D) hydrofluorocarbons;

- 1 (E) perfluorocarbons;  
2 (F) sulfur hexafluoride; or  
3 (G) any other anthropogenically-emitted  
4 gas that the Administrator, after notice and  
5 comment, determines contributes to global  
6 warming to a non-negligible degree.

7 (5) STATE-OF-THE-ART CONTROL TECH-  
8 NOLOGY.—The term “state-of-the-art control tech-  
9 nology” means technology that captures not less  
10 than 85 percent of the total carbon dioxide produced  
11 by the unit on an annual average basis and perma-  
12 nently sequesters that carbon dioxide in a geological  
13 formation approved by the Administrator in a man-  
14 ner that prevents its later release into the atmos-  
15 phere.

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