

114TH CONGRESS
1ST SESSION

H. R. 2042

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2015

Received

AN ACT

To allow for judicial review of any final rule addressing carbon dioxide emissions from existing fossil fuel-fired electric utility generating units before requiring compliance with such rule, and to allow States to protect households and businesses from significant adverse effects on electricity ratepayers or reliability.

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 “Ratepayer Protection
5 Act of 2015”.

6 **SEC. 2. EXTENDING COMPLIANCE DATES OF RULES AD-**
7 **DRESSING CARBON DIOXIDE EMISSIONS**
8 **FROM EXISTING POWER PLANTS PENDING**
9 **JUDICIAL REVIEW.**

10 (a) EXTENSION OF COMPLIANCE DATES.—

11 (1) EXTENSION.—Each compliance date of any
12 final rule described in subsection (b) is deemed to be
13 extended by the time period equal to the time period
14 described in subsection (c).

15 (2) DEFINITION.—In this subsection, the term
16 “compliance date”—

17 (A) means, with respect to any require-
18 ment of a final rule described in subsection (b),
19 the date by which any State, local, or tribal
20 government or other person is first required to
21 comply; and

22 (B) includes the date by which State plans
23 are required to be submitted to the Environ-
24 mental Protection Agency under any such final
25 rule.

1 (b) FINAL RULES DESCRIBED.—A final rule de-
2 scribed in this subsection is any final rule to address car-
3 bon dioxide emissions from existing sources that are fossil
4 fuel-fired electric utility generating units under section
5 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-
6 ing any final rule that succeeds—

7 (1) the proposed rule entitled “Carbon Pollu-
8 tion Emission Guidelines for Existing Stationary
9 Sources: Electric Utility Generating Units” pub-
10 lished at 79 Fed. Reg. 34830 (June 18, 2014); or

11 (2) the supplemental proposed rule entitled
12 “Carbon Pollution Emission Guidelines for Existing
13 Stationary Sources: EGUs in Indian Country and
14 U.S. Territories; Multi-Jurisdictional Partnerships”
15 published at 79 Fed. Reg. 65482 (November 4,
16 2014).

17 (c) PERIOD DESCRIBED.—The time period described
18 in this subsection is the period of days that—

19 (1) begins on the date that is 60 days after the
20 day on which notice of promulgation of a final rule
21 described in subsection (b) appears in the Federal
22 Register; and

23 (2) ends on the date on which judgment be-
24 comes final, and no longer subject to further appeal
25 or review, in all actions (including actions that are

1 filed pursuant to section 307 of the Clean Air Act
2 (42 U.S.C. 7607))—

3 (A) that are filed during the 60 days de-
4 scribed in paragraph (1); and

5 (B) that seek review of any aspect of such
6 rule.

7 (d) SENSE OF CONGRESS.—The Congress encourages
8 the Administrator of the Environmental Protection Agen-
9 cy, in promulgating, implementing, or enforcing any final
10 rule described in subsection (b), to specifically address
11 how the megawatt hours discharged from a pumped hy-
12 droelectric storage system will be incorporated into State
13 and Federal implementation plans adopted pursuant to
14 any such final rule.

15 **SEC. 3. RATEPAYER PROTECTION.**

16 (a) EFFECTS OF PLANS.—No State shall be required
17 to adopt or submit a State plan, and no State or entity
18 within a State shall become subject to a Federal plan, pur-
19 suant to any final rule described in section 2(b), if the
20 Governor of such State makes a determination, and noti-
21 fies the Administrator of the Environmental Protection
22 Agency, that implementation of the State or Federal plan
23 would—

1 (1) have a significant adverse effect on the
2 State’s residential, commercial, or industrial rate-
3 payers, taking into account—

4 (A) rate increases that would be necessary
5 to implement, or are associated with, the State
6 or Federal plan; and

7 (B) other rate increases that have been or
8 are anticipated to be necessary to implement, or
9 are associated with, other Federal or State en-
10 vironmental requirements; or

11 (2) have a significant adverse effect on the reli-
12 ability of the State’s electricity system, taking into
13 account the effects on the State’s—

14 (A) existing and planned generation and
15 retirements;

16 (B) existing and planned transmission and
17 distribution infrastructure; and

18 (C) projected electricity demands.

19 (b) CONSULTATION.—In making a determination
20 under subsection (a), the Governor of a State shall consult
21 with—

22 (1) the public utility commission or public serv-
23 ice commission of the State;

1 (2) the environmental protection, public health,
2 and economic development departments or agencies
3 of the State; and

4 (3) the Electric Reliability Organization (as de-
5 fined in section 215 of the Federal Power Act (16
6 U.S.C. 824o)).

7 **SEC. 4. TREATMENT OF HYDROPOWER AS RENEWABLE EN-**
8 **ERGY.**

9 In issuing, implementing, and enforcing any final rule
10 described in section 2(b), the Administrator of the Envi-
11 ronmental Protection Agency shall treat hydropower as re-
12 newable energy.

 Passed the House of Representatives June 24, 2015.

Attest:

KAREN L. HAAS,

Clerk.