

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Power Act to promote closed-loop pumped storage hydropower, 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 “Promoting Closed-
5 Loop Pumped Storage Hydropower Act”.

6 **SEC. 2. CLOSED-LOOP PUMPED STORAGE PROJECTS.**

7 Part I of the Federal Power Act (16 U.S.C. 792 et
8 seq.) is amended by adding at the end the following:

1 **“SEC. ____ . CLOSED-LOOP PUMPED STORAGE PROJECTS.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) CLOSED-LOOP PUMPED STORAGE
4 PROJECT.—The term ‘closed-loop pumped storage
5 project’ means a project—

6 “(A) in which the upper and lower res-
7 ervoires do not impound or directly withdraw
8 water from navigable waters; or

9 “(B) that is not continuously connected to
10 a naturally flowing water feature.

11 “(2) FEDERAL AUTHORIZATION.—The term
12 ‘Federal authorization’—

13 “(A) means any authorization required
14 under Federal law with respect to an applica-
15 tion for a license, license amendment, or exemp-
16 tion under this part; and

17 “(B) includes any permits, special use au-
18 thorizations, certifications, opinions, or other
19 approvals as may be required under Federal law
20 to approve or implement the license, license
21 amendment, or exemption under this part.

22 “(b) IN GENERAL.—As provided in this section, the
23 Commission may issue and amend licenses and prelimi-
24 nary permits, as appropriate, for closed-loop pumped stor-
25 age projects.

1 “(c) DAM SAFETY.—Before issuing any license for a
2 closed-loop pumped storage project, the Commission shall
3 assess the safety of existing dams and other structures
4 related to the project (including possible consequences as-
5 sociated with failure of such structures).

6 “(d) LICENSE CONDITIONS.—With respect to a
7 closed-loop pumped storage project, the authority of the
8 Commission to impose conditions on a license under sec-
9 tions 4(e), 10(a), 10(g), and 10(j) shall not apply, and
10 any condition included in or applicable to a closed-loop
11 pumped storage project licensed under this section, includ-
12 ing any condition or other requirement of a Federal au-
13 thorization, shall be limited to those that are—

14 “(1) necessary to protect public safety; or

15 “(2) reasonable, economically feasible, and es-
16 sential to prevent loss of or damage to, or to miti-
17 gate adverse effects on, fish and wildlife resources
18 directly caused by the construction and operation of
19 the project, as compared to the environmental base-
20 line existing at the time the Commission completes
21 its environmental review.

22 “(e) TRANSFERS.—Notwithstanding section 5, and
23 regardless of whether the holder of a preliminary permit
24 for a closed-loop pumped storage project claimed munic-
25 ipal preference under section 7(a) when obtaining the per-

1 mit, the Commission may, to facilitate development of a
2 closed-loop pumped storage project—

3 “(1) add entities as joint permittees following
4 issuance of a preliminary permit; and

5 “(2) transfer a license in part to one or more
6 nonmunicipal entities as co-licensees with a municipi-
7 pality.”.